

भारत का राजपत्र The Gazette of India

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No. 17]

NEW DELHI, SATURDAY, APRIL 28, 2001/VAISAKHA 8, 1923

इस भाग में मिलान पुस्तक संख्या की जाती है जिससे कि यह प्रत्यक्ष संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए आधिकारिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 19 अप्रैल, 2001

का.आ. 847.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालय में हिन्दी का कार्यसमर्थक नाम रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उसे एतद्वारा अधिसूचित करती है :—

केन्द्रीय गुप्तचर प्रशिक्षण स्कूल, चंडीगढ़

[सं. 12017/1/99 हिन्दी]

राजेंद्र सिंह, निदेशक (राजभाषा)

MINISTRY OF HOME AFFAIRS

New Delhi, the 19th April, 2001

S.O. 847.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Ministry of Home Affairs where

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the percentage of Hindi knowing staff has gone above 80 per cent :

Central Detective Training School, Chandigarh.

[No. 12017/1/99-Hindi]

RAJENDRA SINGH, Director (O.L.)

कामिक, लोक शिकायत तथा पेंशन मंत्रालय
(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 अप्रैल, 2001

का. आ. 848.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी. 199 पी सी धार 2000 दिनांक 23-08-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के घ. ब्यूरो, ए सी डी, बंगलूर में वर्ज मामला

1845)

भार सी सं. 23 (ए) 2000 में (1) श्री डी. राघु, अनुभाग पर्यवेक्षक, उप-महाप्रबन्धक (रूरल) बंगलूर टेलीकॉम का कार्यालय, जिला बंगलूर (2) श्री एम. आरोम्यालू, एस टी डी पी टी फ्रेन्चाइज, सिटी रेलवे स्टेशन, बंगलूर (3) मैसर्स ग्लोब टेलीकॉम्युनिकेशन्स 56, जे एस एस काम्प्लेक्स, जेसी रोड, बंगलूर और अन्यो के विरुद्ध भारतीय दंड संहिता की धारा 120-बी सपठित भारतीय दंड संहिता की धारा 420 के साथ पठित भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रबन्धों, कुप्रेरणों और षडयंत्र तथा उसी संभवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है ।

[सं. 228/11/2001-ए. बी. डी.-II (i)]
हरि सिंह, भवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSION

(Department of Personnel and Training)

New Delhi, the 10th April, 2001

S.O. 848.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 199 PCR 2000, dated 23-8-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with section 420 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988, and attempted abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts against (1) Sri D. Raaghu, Section Supervisor, Office of the Deputy General Manager (Rural) Bangalore Telecom District, Bangalore (2) Sri M. Arogyalu, STD PT Franchise, City Railway Station, Bangalore (3) M/s. Globe Telecommunications 56, JSS Complex, JC Road, Bangalore and others, registered with DSPE/CBI/ACB/Bangalore vide RC. No. 23(A)/2000.

[No. 228/11/2001/AVD.II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 10 अप्रैल, 2001

का. प्रा. 849 :—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 200 पी सी आर 2000-दिनांक 23-08-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के. प्र. ब्यूरो, ए सी बी, बंगलूर में दर्ज

मामला भार सी 24 (ए)/2000/बंगलूर में श्री नरेन्द्र जैन, भवर आयुक्त, आयकर, बंगलूर के विरुद्ध भारतीय दंड संहिता की धारा 120-बी के साथ पठित भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रबन्धों, कुप्रेरणों और षडयंत्र तथा उसी संभवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है ।

[सं. 228/11/2001-ए. बी. डी. II (ii)]
हरि सिंह, भवर सचिव

New Delhi, the 10th April, 2001

S.O. 849.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 200 PCR 2000, dated 23-8-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B Indian Penal Code read with 13(2) read with 13(1)(d) of Prevention of corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts against Sri Narender Jain, Additional Commissioner of Income Tax, Bangalore, registered with DSPE/CBI/ACB/Bangalore vide RC-24(A)/2000-BLR.

[No 228/11/2001-AVD.II(ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 10 अप्रैल, 2001

का. प्रा. 850 :—केन्द्रीय सरकार, आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1985 (1985 का अधिनियम सं. 31) की धारा 11 की उप धारा (1) के साथ पठित धारा 18 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा पंजाब राज्य सरकार के साथ परामर्श करने के बाद एतद्वारा, श्री आई. के. सक्सेना, अधिवक्ता नई दिल्ली को पंजाब राज्य में उपर्युक्त अधिनियम की धारा 7 की उप-धारा 1 के प्रावधानों के तहत गठित लुधियाना में स्थित पदनामित न्यायालय में उपर्युक्त अधिनियम के तहत अन्वेषण किए गए अथवा दायर उनसे संबंधित मामला सं. भार. सी. 1 (एस)/87-एस. आई. यू. 11/सी. बी. आई. एस. पी. ई. एस. आई. सी. 11 अथवा अनुसंगिक किसी अन्य मामले का संचालन करने के लिए अतिरिक्त लोक अभियोजन नियुक्त करती है ।

[सं. 225/14/2000-ए. बी. डी. (II) (i)]
हरि सिंह, भवर सचिव

New Delhi, the 10th April, 2001

S.O. 850.—In exercise of the powers conferred by sub-section (1) of section 18 read with sub-section (1) of section 11 of the Terrorist and Disruptive Activities (Prevention) Act, 1985 (Act No. 31 of 1985) the Central Government after consultation with the State Government of Punjab, hereby appoints Shri Y. K. Saxena, Advocate, New Delhi as an Additional Public Prosecutor for conducting case RC-1(S)/87-SIU, II/CBI/SPE/SIC, II/New Delhi and any other matter connected therewith or incidental thereto investigated or instituted by the DSPE under the said Act in the Designated Court at Ludhiana constituted under the provision of sub-section 1 of sec. 7 of the aforesaid Act in the State of Punjab.

[No. 225/14/2000-AVD. II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 10 अप्रैल, 2001

का. भा. 851.—केन्द्र सरकार, आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उप धारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा श्री आई. के. सक्सेना, अधिवक्ता को, टाटा (पी) अधिनियम, 1987 की धारा 9 के प्रावधान के अधीन गठित कानपुर स्थित पदनामित न्यायालय में उक्त अधिनियम के अन्तर्गत जांच किए गए अथवा दायर मामला सं. और. सी. 10 (एस)/93-एस. आई. यू. V/एस. आई. सी./II/सी. डी. आई., नई दिल्ली और उससे जुड़े या अनुषंगी किसी अन्य मामले का संवादन करने के लिए विशेष लोक अभियोक्ता नियुक्त करती है।

[सं. 225/14/2000-ए. वी. डी. (II) (ii)]

हरि सिंह, अवर सचिव

New Delhi, the 10th April, 2001

S.O. 851.—In exercise of the powers conferred by the proviso to sub-section (1) of section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987) the Central Government hereby appoints Shri Y.K. Saxena, Advocate as Special Public Prosecutor for conducting case RC-10(S)/93-SIU.V/SIC-II, CBI, New Delhi and any other matter connected therewith or incidental thereto investigated or instituted under the said Act in the Designated Court at Kanpur constituted under the provision of section 9 of TADA(P) Act, 1987.

[No. 225/14/2000-AVD.II(ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 11 अप्रैल, 2001

का. भा. 852.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह पुलिस अनुभाग-4 के आदेश सं. 2011 ख/VI-4-2001, लखनऊ दिनांक 4 अप्रैल, 2001 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से पुलिस स्टेशन, हजरतगंज, जिला लखनऊ में दर्ज अपराध मामला सं. 256/256-ए/256-बी/256-सी/256-डी/2001 में भारतीय दंड संहिता, 1860 की धारा 406, 420,

467, 468, और 471 के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/24/2001-ए. वी. डी.—(II)]

हरि सिंह, अवर सचिव

New Delhi, the 11th April, 2001

S.O. 852.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh Home Police Section 4, vide Order No. 2011 Kha/VI-4-2001, Lucknow dated 4th April, 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences punishable under section 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 of Crime No. 256/256A/256B/256C/256D/2001 registered at Police Station Hazratganj, District Lucknow and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/24/2001-AVD-II]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का. भा. 853.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 177 पीसीआर 2000 दिनांक 05-08-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से के.प्र. व्यूरो एसीबी, बंगलूर में दर्ज मामला और सी सं. 22(ए)/2000 में सर्वश्री रत्नाकर, वरिष्ठ प्रबंधक, कापौरेशन बैंक, कारवाड और श्रीमती शांता कुमारी के एस. ए. एस., पूर्व मुख्य लेखाधिकारी, जिला पंचायत कारवाड समूह-क राज-पत्रित (निलंबाधीन) के विरुद्ध भारतीय दंड, संहिता 1860 की धारा 120-बी संपठित धारा 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) संपठित धारा 13(12) (सी) और (डी) के अधीन अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/68/2000-ए. वी. डी. II]

हरि सिंह, अवर सचिव

New Delhi, the 12th April, 2001

S.O. 853.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 177 PCR 2000, dated 5-8-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences under sections 120B read with 420 Indian Penal Code, 1860 and section 13(2) read with 13(12) (c) & (d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against S/Shri Rathnakar, Senior Manager, Corporation Bank, Karwar and Smt. Shanthakumari K.S.A.S. Formerly Chief Accounts Officer, Zila Panchayat, Karwar Group-A Gazetted (under suspension) registered with CBI/ACB Bangalore vide RC. 22(A)/2000.

[No. 228/68/2000-AVD-II]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का.प्र. 854.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच.डी. 105 पीसीआर 2000 दिनांक 10-05-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के.प्र.ब्यूरो ए.सी.बी. बंगलूर में दर्ज मामला. आर.सी.सं. 9(ए)/2000 में (1) श्री डी. भरत कुमार, अधिकारी, इस समय समवर्ती लेखा-परीक्षक विदेश विभाग, स्टेट बैंक ऑफ मैसूर, मुख्यालय बंगलूर के रूप में कार्यरत (2) श्री एस. वेंकटेश, अधिकारी इस समय मुख्य प्रबंधक (लेखा-परीक्षा) निरीक्षण विभाग, स्टेट बैंक ऑफ मैसूर, मुख्यालय, बंगलूर के रूप में कार्यरत (3) मैसर्स स्कापियन हाउसिंग डेवलपमेंट कम्पनी लि. (इस समय गुडविल हाउसिंग डेवलपमेंट कम्पनी लि.) जिसका प्रतिनिधित्व इसके रजिस्टर्ड कार्यालय—हितानंदा 2, तृतीय तल, 48, लवेल रोड, बंगलूर-560001 में इसके निदेशक श्री.ए.जी. अशोक, श्रीमती निर्मला अशोक और श्री ए.के. शेखर करते हैं, और अभ्यों के विरुद्ध भारतीय दंड संहिता की धारा 120-बी संपठित धारा 420, 468, 471, 477-ए तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) संपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, बुद्धियों और बर्हयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/12/2001-ए. बी. डी. II(i)]

हरि सिंह, अवर सचिव

New Delhi, the 12th April, 2001

S.O. 854.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 105 PCR 2000, dated 10-5-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420, 468, 471, 477A Indian Penal Code and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988, and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Sri D. Bharath Kumar, Officer, presently working as concurrent Auditor, Foreign Department, State Bank of Mysore, Head Office, Bangalore (2) Sri S. Venkatesh, Officer, presently working as Chief Manager (Audit) Inspection Department, State Bank of Mysore, Head Office Bangalore (3) M/s. Scorpion Housing Development Co. Ltd. (Presently known as Goodwill Housing Development Co. Ltd.) represented by its Directors, Sri A. G. Ashok, Smt. Nirmala Ashok and Sri A. K. Shekar. Registered Office at Hitananda-2, 3rd Floor, 48, Lavelle Road, Bangalore-560001 and others registered with DSPE/CBI/ACB Bangalore vide RC. No. 9(A)/2000.

[No. 228/(12)/2001-AVD-II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का.प्र. 855.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच.डी. 95 पीसीआर 2000 IV दिनांक 16-05-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के.प्र.ब्यूरो, एसी.बी. बंगलूर में दर्ज मामला आर.सी.सं. 11(ए)/2000 में (1) श्री सुरेश ग्राह्या मुख्य प्रबंधक (निलंबनाधीन) स्टेट बैंक ऑफ मैसूर सुदामा नगर, ब्रांच बंगलूर (2) श्री एल. कुमार, उप-प्रबंधक (अग्रिम) (निलंबनाधीन), स्टेट बैंक ऑफ मैसूर सुदामा नगर ब्रांच बंगलूर (3) श्री पी. एन. बालकासुब्रामणियम, बंगलूर, (गैर-सरकारी व्यक्ति) (4) श्री रवि माइकल बाबू, प्रबंध भागीदार, मैसर्स एपीकल्वर डेवलपिंग इंडस्ट्रीज महादेवपुरा, बंगलूर (5) मैसर्स एपीकल्वर डेवलपिंग इंडस्ट्रीज, महादेवपुरा, बंगलूर जिसका प्रतिनिधित्व (क) श्री रवि माइकल बाबू, प्रबंध भागीदार (ख) श्री आर. रामाकृष्णाचारी, भागीदार करते हैं और अभ्यों के विरुद्ध भारतीय दंड संहिता की धारा 120-बी संपठित धारा 420, 468, 471, 477-ए तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) संपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, बुद्धियों और पद्धतियों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/12/2001-ए. बी. डी. II(ii)]

हरि सिंह, अवर सचिव

New Delhi, the 12th April, 2001

New Delhi, the 12th April, 2001

S.O. 855.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Karnataka vide Notification No. HD 95 PCR 2000 IV dated 16-5-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420, 468, 471, 477A Indian Penal Code and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against (1) Sri Suresh Adya, Chief Manager, (under suspension), State Bank of Mysore, Sudhama Nagar Branch, Bangalore (2) Sri Kumar, Deputy Manager (Advance) (under suspension), State Bank of Mysore, Sudhama Nagar Branch (3) Sri P. N. Balkasubramaniam, Bangalore (private person) (4) Sri Ravi Micheal Babu, Managing Partner, M/s. Agriculture Developing Industries, Mahadevapura, Bangalore and (5) M/s. Agriculture Developing Industries, Mahadevapura, Bangalore represented by (a) Sri Ravi Micheal Babu, Managing Partner, (b) Sri R. Ramakrishnachari Partner and others registered with DSPE/CBI/ACB/Bangalore vide RC. No. 11(A)/2000.

[No. 228/12/2001-AVD-II(ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का.आ. 856.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 95 पीसीआर 2000 III दिनांक 16-05-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के. प्र. ब्यूरो, ए.सी.बी. बंगलूर में दर्ज मामला आरसी सं. 12(ए)/2000 में (1) श्री सुरेश आद्या, मुख्य प्रबंधक (निलंबनाधीन) स्टेट बैंक ऑफ मैसूर, सुदामा नगर ब्रांच बंगलूर (2) श्री एल कुमार उप-प्रबंधक (ग्रामिण) (निलंबनाधीन) स्टेट बैंक आफ मैसूर, सुदामा नगर ब्रांच बंगलूर (3) श्री पी. एन. बालासुब्रामणियम, बंगलूर (गैर-सरकारी व्यक्ति) (4) श्री रवि माइकल बाबू प्रबंध भागीदार मैसर्स एपीकलचर डेवलपिंग इंडस्ट्रीज महादेवपुरा, बंगलूर (5) श्री सुनील कुमार प्रोपराइटर मैसर्स केंसरी ज्वेलर्स, लालबाग रोड, बंगलूर-27 और अन्यो के विरुद्ध भारतीय दंड संहिता की धारा 120-बी संश्लिष्ट धारा 420, 468, 471, 477-ए तथा अप्रत्याचार निवारण अधिनियम, 1988 की धारा 13(2) संश्लिष्ट धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रदत्तों दुष्प्रेरणों और पडयंत्र तथा उसी संबंधवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/12/2001-ए. वी. बी. II(iii)]

हरि सिंह, अवर सचिव

S.O. 856.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD. 95 PCR 2000 III dated 16-5-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420, 468, 471, 477A Indian Penal Code and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against (1) Sri Suresh Adya, Chief Manager, (under suspension), State Bank of Mysore, Sudhama Nagar Branch, Bangalore (2) Sri L. Kumar, Deputy Manager (Advance) (under suspension) State Bank of Mysore, Sudhama Nagar Branch (3) Sri P. N. Balkasubramaniam, Bangalore (private person) (4) Sri Ravi Micheal Babu, Managing Partner, M/s. Agriculture Developing Industries, Mahadevapura, Bangalore and (5) Shri Sunil Kumar, Proprietor, M/s. Kesri Jewellers, Lalbagh Road, Bangalore-27, and others registered with DSPE/CBI/ACB/Bangalore vide RC No. 12(A)/2000.

[No. 228/12/2001-AVD-II(iii)]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का.आ. 857.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 95 पीसीआर 2000 II दिनांक 16-05-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के. प्र. ब्यूरो, ए.सी.बी. बंगलूर में दर्ज मामला आर सी सं. 13(ए)/2000 में (1) श्री सुरेश आद्या मुख्य प्रबंधक (निलंबनाधीन) स्टेट बैंक आफ मैसूर, सुदामा नगर ब्रांच बंगलूर (2) श्री एल. कुमार उपप्रबंधक (ग्रामिण) (निलंबनाधीन) स्टेट बैंक आफ मैसूर सुदामा नगर ब्रांच बंगलूर (4) श्री पी. एन. बालासुब्रामणियम बंगलूर (गैर-सरकारी व्यक्ति) (4) श्री रवि माइकल बाबू, प्रबंध भागीदार मैसर्स एपीकलचर डेवलपमेंट इंडस्ट्रीज महादेवपुरा, बंगलूर (5) श्री हसमुख शाह, प्रोपराइटर मैसर्स अंयिका ट्रेडिंग कम्पनी बी.वी. के. अयंगर रोड, बंगलूर-53 और अन्यो के विरुद्ध भारतीय दंड संहिता की धारा 120-बी संश्लिष्ट धारा 420, 468, 471, 477-ए तथा अप्रत्याचार निवारण अधिनियम, 1988 की धारा 13(2) संश्लिष्ट धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रदत्तों दुष्प्रेरणों और पडयंत्र तथा उसी संबंधवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध

और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार कर्नाटक राज्य पर करती है।

[सं. 228/12/2001-ए. बी. डी. II(iv)]
हरि सिंह, अवर सचिव

New Delhi, the 12th April, 2001

S.O. 857.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 95 PCR 2000 II dated 16-5-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420, 468, 471, 477A Indian Penal Code and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the facts against (1) Sri Suresh Adye, Chief Manager, (under suspension), State Bank of Mysore, Sudhama Nagar Branch, Bangalore (2) Sri L. Kumar, Deputy Manager (Advance) (under suspension) State Bank of Mysore, Sudhama Nagar Branch, Bangalore (3) Sri P. N. Balkasubramaniam, Bangalore (private person) (4) Sri Ravi Michael Babu, Managing Partner, M/s. Agriculture Development Industries, Mahadevapura, Bangalore and (5) Shri Hasmukh Shah, Proprietor, M/s. Ambica Trading Company, B. V. K. Iyengar Road, Bangalore-53, and others registered with DSPE/CBI/ACB/Bangalore vide R.C. No. 13(A)/2000.

[No. 228/12/2001-AVD-II(iv)]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का.आ.858:—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 95 पीसीआर 2000 I दिनांक 16-05-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के.प्र. ब्यूरो, एसीबी, बंगलूर में दर्ज मामला आर सी सं. 14(ए)/2000 में (1) श्री सुरेश कुमार आद्या, मुख्य प्रबंधक (निजबंताधीन) स्टेट बैंक आफ मैसूर, सुधामा नगर बांच, बंगलूर (2) श्री एल. कुमार, उप-प्रबंधक (अग्रिम) (निजबंताधीन) स्टेट बैंक आफ मैसूर, सुधामा नगर, बांच, बंगलूर (3) श्री रवि माइकल बाबू, प्रबंध भागीदार, मेसर्स एग्रीकल्चर डेवलपमेंट इंडस्ट्रीज, महादेवपुरा, बंगलूर और अन्यो के विरुद्ध भारतीय दण्ड संहिता की धारा 120-बी संपठित धारा 420 तथा छद्मचार निवारण अधिनियम, 1988 की धारा 13(2) संपठित धारा 13(1)

(डी) अग्रिम दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संश्लेषित प्रथमों, दुष्प्रेरणों और धड्यंत्र तथा उसी संघर्षकार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/12/2001-ए.बी. डी.-II (V)]

हरि सिंह, अवर सचिव

New Delhi, the 12th April, 2001

S.O. 858.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 95 PCR 2000 I dated 16-5-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420 Indian Penal Code and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against (1) Sri Suresh Adya, Chief Manager, (under suspension), State Bank of Mysore, Sudhama Nagar Branch, Bangalore (2) Sri L. Kumar, Deputy Manager (Advance) (under suspension), State Bank of Mysore, Sudhama Nagar Branch Bangalore (3) Sri Ravi Micheal Babu, Managing Partner, M/s. Agriculture Development Industries, Mahadevapura, Bangalore, and others registered with DSPE/CBI/ACB/Bangalore vide RC No 14(A)/2000.

[No. 228/12/2001-AVD-II(v)]

HARI SINGH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2001

का.आ.859:—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 94 पीसीआर 2000 दिनांक 16-05-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के.प्र. ब्यूरो, एसीबी, बंगलूर में दर्ज मामला आरसी सं. 15(ए)/2000 में (1) श्री सैयद शबीर अहमद, अधिकारी, इस समय उप-प्रबंधक (लेखा), स्टेट बैंक आफ मैसूर, एवेन्यू रोड बांच, बंगलूर के रूप में कार्यरत और अन्यो के विरुद्ध भारतीय दण्ड संहिता की धारा 201, 204, 409 अथवा बैंकलिक धारा 420, 468, 471, 477-ए तथा छद्मचार निवारण अधिनियम, 1988 की धारा 13(2) संपठित धारा 13(1) (सी) और 13(1) (डी) के अग्रिम दंडनीय अपराधों तथा उपर्युक्त अपराधों में से

एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्-प्रेरणों और षड्यंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/12/2001-ए.बी.डी.-II (vi)]

हरि सिंह, अवर सचिव

New Delhi, the 12th April, 2001

S.O. 859.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 94 PCR 2000 dated 16-5-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under sections 201, 204, 409 or in alternatively sections 420, 468, 471, 477A Indian Penal Code and section 13(2) read with 13(1)(c) and 13(1)(d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against (1) Sri Syed Shabeer Ahmed, Officer, presently working as Dy. Manager (Accounts) State Bank of Mysore, Avenue Road Branch, Bangalore and others registered with DSPE|CBI|ACB|Bangalore vide RC No. 15(A)/2000.

[No. 228/12/2001-AVD-II(vi)]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 10 अप्रैल, 2001

का. प्रा. 860.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) (स्कीम, 1970 के खण्ड 3 के उप-खण्ड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 का धारा 9 की उप-धारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री आर. वी. शास्त्री, अध्यक्ष एवं प्रबंध निदेशक, इण्डियन ओवरसीज बैंक को 1-5-2001 से 31-10-2004 तक के लिए केनरा बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/46/2000-बी.ओ.-I]

रमेश चन्द, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 10th April, 2001

S.O. 860.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri R. V. Shastri, Chairman and Managing Director, Indian Overseas Bank as Chairman and Managing Director, Canara Bank from 1-5-2001 and upto 31-10-2004.

[F. No. 9/46/2000-B.O.I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 11 अप्रैल, 2001

का.प्रा.861.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1), खंड 5, खंड 6, खंड 7 और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके एतद्वारा इण्डियन ओवरसीज बैंक के कार्यकारी निदेशक श्री एस. सी. गुप्ता को, वर्तमान पदधारी श्री आर. वी. शास्त्री के पद त्यागने के पश्चात् 1-5-2001 से पांच वर्षों के लिए इण्डियन ओवरसीज बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/46/2000-बी.ओ.-I(i)]

रमेश चन्द, अवर सचिव

New Delhi, the 11th April, 2001

S.O. 861.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. C. Gupta, Executive Director, Indian Overseas Bank as Chairman and Managing Director, Indian Overseas Bank for a period of five years with effect from 01-05-2001, after Shri R. V. Shastri, the present incumbent, demits office.

[F. No. 9/46/2000-B.O.I(i)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 11 अप्रैल, 2001

का.प्रा.862.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) तथा खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय

सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री आर. नटराजन, जो इस समय इंडियन ओवरसीज बैंक के महाप्रबंधक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 30 जून, 2002 तक की अवधि के लिए वर्तमान पदधारी श्री एम. सी. गुप्ता के पदत्याग के पश्चात् इंडियन ओवरसीज बैंक के पूणकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/46/2000-बी.ओ.-I(ii)]

रमेश चन्द, अध्वर सचिव

New Delhi, the 11th April, 2001

S.O. 862.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri R. Natarajan presently General Manager, Indian Overseas Bank as a whole time director (designated as the Executive Director of Indian Overseas Bank for the period from the date of his taking charge and upto 30th June, 2002 after Shri S. C. Gupta, the present incumbent, demits office.

[F. No. 9/46/2000-B.O.I(ii)]

RAMESH CHAND, Under Secy.

लघु उद्योग और कृषि एवं ग्रामीण उद्योग मंत्रालय

नई दिल्ली 8 मार्च, 2001

फा. आ. 863.—लोक परिसर (गैर अधिभूत वस्तुद्वारा का साथ) अधिनियम, 1971 (1971 का 40) की धारा में प्रदत्त शक्तियों के अनुपालन में और उद्योग मंत्रालय, भारत सरकार की अधिसूचना के अधिक्रमण में, लघु उद्योग और कृषि एवं ग्रामीण उद्योग विभाग, एस. ओ. संख्या 2516 दिनांक 26 अगस्त, 1996, भारत के राजपत्र में प्रकाशित भाग II, अनुभाग 3, उप अनुभाग (ii) दिनांक 31 अगस्त, 1996, इस प्रकार के अधिक्रमण से पूर्व किया जाता या किए जाने को छोड़ने के संदर्भ के अग्रसार में, केन्द्र सरकार नीचे की सारणी के कालम (1) में उल्लिखित अधिकारी को नियुक्त करती है, दिल्ली राज्य औद्योगिक विकास निगम लि. (सरकारी उपक्रम) के समान स्तर के अधिकारी होने के नाते केन्द्र सरकार में समान स्तर के राजपत्रित अधिकारी उक्त अधिनियम के उद्देश्यों से सम्पदा अधिकारी नियुक्त किया जाता है, जो कि उक्त सारणी के कालम (2) में संगत प्रविष्टि में उल्लिखित लोक परिसरों के संदर्भ में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अन्तर्गत प्रदत्त अधिकारों को उपयोग करेंगे, और दी गई जिम्मेदारियों को निभायेंगे।

सारणी

अधिकारी का नाम और पदनाम	लोक परिसरों के संबंधों और क्षेत्राधिकार की स्थानीय सीमाएं
श्री बी. आर. सिंह, सहायक अधिकारी	दिल्ली राज्य औद्योगिक विकास निगम लि., नई दिल्ली (सरकारी उपक्रम) द्वारा पट्टा पर लिया गया या उसके अधिकारी में, इसकी मुम्बई, महाराष्ट्र और दिल्ली में अपनी सम्पत्ति है।

[सं. 15(1)/2000-एसएसआई (पी)-II]

एन. आर. जोशी, अध्वर सचिव

MINISTRY OF SMALL SCALE INDUSTRIES AND AGRO & RURAL INDUSTRIES

New Delhi, the 8th March, 2001

S.O. 863.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Industry, Department of Small Scale Industries and Agro and Rural Industries, number S.O. 2516 dated 26th August, 1996, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 31st August, 1996, except as respects things done or omitted to be done before such supersession the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer of the Delhi State Industrial Development Corporation Limited (A Government Undertaking), of an equivalent to the rank of a Gazetted Officer of the Central Government to be an Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on Estate officer by or under the said Act, within the local limits of his jurisdiction, in respect of the public premises specified in the corresponding entry in column (2) of the said Table:

TABLE

Name and Designation of the officer	Categories of public premises and local limits of jurisdiction
1	2
Shri B.R. Singh, Estate Officer	Premises belonging to or taken on lease by the Delhi State Industrial Development Corporation Limited, New Delhi (A Government Undertaking). It has its own properties in Mumbai, Maharashtra and in Delhi.

[No. 15(1)/2000-SSI(P)-II]
H.R. JOSHI, Under Secy.

कोयला मंत्रालय

शुद्धि पत्र

नई दिल्ली, 19 अप्रैल, 2001

का.आ. 864.—भारत के राजपत्र तारीख 24 फरवरी, 2001 के भाग 2, खंड-3, उपखंड (ii) में पृष्ठ क्रमांक 759 से 761 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना का.आ. 377 दिनांक 12 फरवरी, 2001 में :—

पृष्ठ क्रमांक — 759 पर,

पंक्ति 6— “क्षेत्र की भरेखांक” के स्थान पर “क्षेत्र की रेखांक” पढ़ें।

पंक्ति 7— “क्लेक्टर कोयला (मध्य प्रदेश)” के स्थान पर “क्लेक्टर कोरबा (छत्तीसगढ़)” पढ़ें।

पंक्ति 8— “बिलासपुर— 495006 (मध्य प्रदेश)” के स्थान पर “बिलासपुर— 495006 (छत्तीसगढ़)” पढ़ें।

पंक्ति 12— “बिलासपुर — 495006 (मध्य प्रदेश)” के स्थान पर “बिलासपुर— 495006 (छत्तीसगढ़)” पढ़ें।

अनुसूची में :—

पंक्ति 4 “जिला कोरबा (मध्य प्रदेश)” के स्थान पर “जिला कोरबा (छत्तीसगढ़)” पढ़ें।

तालिका में, ग्राम स्तंभ के नीचे,

क्रम संख्या-2 “सुप्रा भाडी” के स्थान पर “सुप्राभोडी” पढ़ें।

क्रम संख्या-6 “सरई सिंगार” के स्थान पर “सरईसिंगार” पढ़ें।
तालिका में, क्षेत्र (हेक्टर) में स्तंभ के नीचे

क्रम संख्या-6 “2000 000” के स्थान पर “200,000 पढ़ें।
तालिका में, टिप्पणियाँ/स्तंभ के नीचे

क्रम संख्या-5 “भाग” के स्थान पर “सम्पूर्ण” पढ़ें।

पृष्ठ क्रमांक 760 पर, सीमा वर्णन में

रेखा क—ख, पंक्ति 1 “बिन्दु से और प्रारंभ” के स्थान पर “बिन्दु से प्रारंभ” पढ़ें।

रेखा ख—ग, पंक्ति 1 “ग्राम सरई संगार” के स्थान पर “ग्राम सरईसिंगार” पढ़ें।

[का.सं. 43015/19/2000पीआरडब्ल्यू]

संजय बहादुर, उप सचिव

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 29 मार्च, 2001

का.आ. 865.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) भारतीय चिकित्सा परिषद् के परामर्श के पश्चात् उक्त अधिनियम की प्रथम अनुसूची का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में :—

(क) “ए.पी. सिंह विश्वविद्यालय” के पश्चात् “विश्वविद्यालय या आयुर्विज्ञान संस्थानों” के शीर्षक के अधीन और उससे संबंधित प्रविष्टि के अधीन शीर्ष “मान्यताप्राप्त आयुर्विज्ञान अर्हता” [जिसे इसमें इसके पश्चात् स्तंभ (2) के रूप में विनिर्दिष्ट] और शीर्षक “रजिस्ट्रीकरण के लिए संक्षेपाक्षर” [जिसे इसमें इसके पश्चात् स्तंभ (3) के रूप में विनिर्दिष्ट है] में निम्नलिखित रखा जाता है, अर्थात् :—

विश्वविद्यालय या आयुर्विज्ञान संस्थान	मान्यताप्राप्त आयुर्विज्ञान अर्हता	रजिस्ट्रीकरण के लिए संक्षेपाक्षर
1	2	3
“असम विश्वविद्यालय	बैचलर ऑफ मेडिसिन एण्ड बैचलर ऑफ सर्जरी	एम्बीबीएस (यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब सिल्वर चिकित्सा महाविद्यालय, असम में प्रशिक्षित छात्रों को जून, 1999 को या उसके पश्चात् प्रदान की गई हो।)
	डिप्लोमा इन कर्ण कण्ठ विज्ञान	डी.एल.ओ. (यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब सिल्वर चिकित्सा महाविद्यालय असम में प्रशिक्षित छात्रों को दिसम्बर 1999 को या उसके पश्चात् प्रदान की गई हो।)

(ख) "कर्नाटक विश्वविद्यालय" के सामने स्तंभ (2) में और डिप्लोमा इन ऑफथेलमिक मेडिसिन और सर्जरी और उससे संबंधित प्रविष्टि स्तंभ (3) में निम्नलिखित रखा जाएगा, अर्थात्:—

2

3

"मास्टर ऑफ सर्जरी (क. ना. क.)

एम.एस. (क. ना. क.)

(यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब कर्नाटक आयुर्विज्ञान संस्थान, हुबली और जे.एन. मेडिकल कॉलेज, बेलगांव में प्रशिक्षित छात्रों को अगस्त, 1970 को या उसके पश्चात् प्रदान की गई हो।)

डिप्लोमा इन कर्ण कण्ठ विज्ञान

डी.एल.ओ.

(यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब कर्नाटक आयुर्विज्ञान संस्थान, हुबली और जे.एन. मेडिकल कॉलेज, बेलगांव में प्रशिक्षित छात्रों को अगस्त, 1968 को या उसके पश्चात् प्रदान की गई हो।)

डॉक्टर ऑफ मेडिसिन (विकिरण निदान)

एम.डी. (विकिरण नि.)

(यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब जे.एन. मेडिकल कॉलेज बेलगांव में प्रशिक्षित छात्रों को अगस्त, 1996 को या उसके पश्चात् प्रदान की गई हो।)

डिप्लोमा इन मेडिकल रेडियो डायग्नोसिस

ड.एम.आर.डी.

(यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब जे.एन. मेडिकल कॉलेज बेलगांव में प्रशिक्षित छात्रों को फरवरी, 1996 को या उसके पश्चात् प्रदान की गई हो।)"

(ग) "गुलबर्गा विश्वविद्यालय" के सामने स्तंभ (2) में प्रविष्टि 'डिप्लोमा इन मेडिकल रेडियो डायग्नोसिस' और उससे संबंधित स्तंभ (3) की प्रविष्टि के पश्चात् निम्नलिखित रखा जाएगा, अर्थात्:—

2

3

"डिप्लोमा इन क्लीनिकल रैथीलोजी

डी.सी.पी.

(यह अर्हता तभी मान्यताप्राप्त चिकित्सीय अर्हता होगी जब कर्नाटक आयुर्विज्ञान संस्थान, हुबली और एम.आर. मेडिकल कॉलेज, गुलबर्गा में प्रशिक्षित छात्रों को अक्टूबर 1982 को या उसके पश्चात् प्रदान की गई हो।)

(घ) "शिवाजी विश्वविद्यालय" के सामने स्तंभ (2) में 'डॉक्टर ऑफ मेडिसिन (सामाजिक और निरोधक आयुर्विज्ञान) और उससे संबंधित स्तंभ (3) की प्रविष्टि के पश्चात् निम्नलिखित रखा जाएगा, अर्थात् :—

2

3

"डिप्लोमा इन चाइल्ड हेल्थ

डी.सी.एच.

(यह ग्रहता तभी मान्यताप्राप्त चिकित्सीय ग्रहता होगी जब कृष्णा आयुर्विज्ञान संस्थान, करड में प्रशिक्षित छात्रों को जून, 1993 को या उसके पश्चात् प्रदान की गई हो।)" ।

[बी. 11015/18/99/एमई (यूजी)]

पी.जी. कलाधरन, अव्वर सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 29th March, 2001

S.O. 865.—In exercise of the powers conferred by Sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956) (hereinafter referred to as the said Act), the Central Government, after consultation with the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule—

(a) After "A.P. Singh University" under the heading 'University or Medical Institution' and the entries relating thereto under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)] and heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :

University or Medical Institution	Recognised Medical Qualification	Abbreviation for Registration
(1)	(2)	(3)
"Assam University	Bachelor of Medicine and Bachelor of Surgery	MBBS (This qualification shall be a recognised medical qualification when granted in or after June, 1999 in respect of student being trained at Silchar Medical College Assam).
	Diploma in Otolaryngology	D.L.O. (This qualification shall be a recognised medical qualification when granted in or after December 1998 in respect of students being trained at Silchar Medical College, Assam.)"

(b) against the "University of Karnataka", in column (2), after the entry 'Diploma in Ophthalmic Medicine and Surgery' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (E.N.T.)	M.S. (E.N.T.) (This qualification shall be a recognised medical qualification when granted in or after August, 1970 in respect of students being trained at Karnataka Institute of Medical Sciences, Hubli and J.N. Medical College, Belgaum).
Diploma in Otolaryngology	D.L.O. (This qualification shall be a recognised medical qualification when granted in or after August 1968 in respect of students being trained at Karnataka Institute of Medical Sciences, Hubli and J.N. Medical College, Belgaum.)
Doctor of Medicine (Radio-Diagnosis)	M.D. (Radio-Diag.) (This qualification shall be a recognised medical qualification when granted in or after August 1996 in respect of students being trained at J.N. Medical College Belgaum).
Diploma in Medical (Radio Diagnosis)	D.M.R.D. (This qualification shall be a recognised medical qualification when granted in or after February 1996 in respect of student being trained at J.N. Medical College, Belgaum.)";

(c) against the "Gulbarga University", in column (2), after the entry 'Diploma in Medical Radio Diagnosis' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
Diploma in Clinical Pathology	D.C.P. (This qualification shall be recognised medical qualification when granted in or after October 1982 in respect of students being trained at M.R. Medical College, Gulberga)"

(d) against the "Shivaji University", in column (2), after the entry 'Doctor of Medicine (Preventive and Social Medicine)' and the entry relating thereto in column (3), the following shall be inserted namely :—

(2)	(3)
"Diploma in Child Health	D.C.H. (This qualification shall be a recognised medical qualification when granted in or after June, 1993 in respect of the students being trained at Krishna Institute of Medical Sciences, Karad)"

[V.11015/18/99-ME(UG)]

P. G. KALADHARAN, Under Secy.

आदेश

नई दिल्ली, 11 अप्रैल, 2001

का. आ. 866.—यू. एस. एस. आर. की वितेबस्क स्टेट मेडिकल यूनिवर्सिटी द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम. डी. "फिजीशियन" भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त आयुर्विज्ञान अर्हता है ;

श्री डा. लैरिसा सिंह जिनके पास उक्त अर्हता है, पूर्ण कार्य के प्रयोजन के लिए और न कि निजी लाभ के लिए दिव्यलोक चिकित्सा केन्द्र, नेहरू नगर, बक्सर (बिहार) से संलग्न हैं ;

अतः अब उक्त अधिनियम की धारा 14 की उपधारा (1) के खण्ड (ग) के अनुसरण में केन्द्र सरकार एतद्वारा यह विनिर्दिष्ट करती है कि भारत में डा. लैरिसा सिंह द्वारा चिकित्सा व्यवसाय की अवधि:—

- (क) इस आदेश के जारी होने की तारीख से छह महीने की अवधि तक; अथवा
- (ख) उस अवधि तक जिसके दौरान डा. लैरिसा सिंह, दिव्यलोक चिकित्सा केन्द्र, नेहरू नगर बक्सर (बिहार) से संलग्न रहते हैं, जो भी लघुतर हो; परिसीमित होगी ।

[संख्या बी. 11016/1/2001-एम ई (यू जी)]

पी. जी. कलाधरन, अवसर सचिव

ORDER

New Delhi, the 11th April, 2001

S.O. 866.—Whereas medical qualification M.D. 'Physician' granted by Vitebsk State Medical University of USSR is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act.

And whereas Dr. Larisa Singh who possess the said qualification is attached to Divyalok Chikitsa Kendra Nehru Nagar, Buxar (Bihar) for the purpose of charitable work and not for personal gain.

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Govern-

ment hereby specifies that the period of practice of medicine by Dr. Larisa Singh in India shall be limited to :—

- (a) a period of six months from the date of issue of this order, or
- (b) the period during which Dr. Larisa Singh is attached to the Divyalok Chikitsa Kendra, Nehru Nagar, Buxar (Bihar), whichever is shorter.

[No. V-11016/1/2001-ME(UG)]
P.G. KALADHARAN, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 30 मार्च, 2001

का. आ. 867.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली (अधिनियम, 1971) (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो सरकार का एक राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा ।

सारणी

अधिकारी का पदनाम सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं

(1)

(2)

श्री जी. चंद्रशेखर अवर सचिव (कृषि अनुसंधान एवं शिक्षा विभाग)	सम्पूर्ण देश में विभिन्न स्थानों पर अवस्थित भारतीय कृषि अनुसंधान परिषद् और उसके संस्थानों आदि के स्वामित्वाधीन या उसके द्वारा या उनकी ओर से पट्टे पर ली गई सभी स्थावर सम्पत्तियां/ परिसर ।
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[फा. सं. 17-11/95-सामान्य प्रशासन]
सतवंत सिंह, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture Research and Education)

New Delhi, the 30th March, 2001

S.O. 867.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being Gazetted Officer of the Central Government, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act within the local limits of his jurisdiction in respect of the Public Premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
1	2
Sh. G. Chandrasekhar Under Secretary (DARE)	*All immovable properties premises belonging to or taken on lease by or on behalf of Indian Council Agricultural Research, and its Institutes etc. situated at various places across the country.

[F.No. 17-11/95-Genl. Admn.]

SATWANT SINGH, Under Secy.

पोत परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 18 अप्रैल, 2001

का.आ. 868.—केन्द्रीय सरकार, नाविक भविष्य निधि स्कीम, 1966 के पैरा 3 के साथ पठित नाविक भविष्य निधि,

अधिनियम, 1966 (1966 का 4) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन परिवहन मंत्रालय, जल भूतल परिवहन विभाग (नौवहन पक्ष) की अधिसूचना संख्या 5757, तारीख 11 दिसम्बर, 1985 का निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “अध्यक्ष” और “सदस्य” तथा उनसे संबंधित प्रविष्टियों के लिए क्रमशः निम्नलिखित शीर्षक और प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

“अध्यक्ष;

महानिदेशक नौवहन मुम्बई

सदस्य

सरकारी प्रतिनिधि :

1. निदेशक या उपसचिव, नौवहन मंत्रालय, नई दिल्ली जो वाणिज्यिक सामुद्रिक प्रशासन का कार्य देख रहे हो जिनमें नाविक कल्याण सम्मिलित हैं ।

2. उप महानिदेशक नौवहन, मुम्बई नाविक कल्याण का कार्य देख रहे हैं ।

3. उप वित्तीय सलाहकार नौवहन मंत्रालय, नई दिल्ली ।

नियोक्ता प्रतिनिधि (केन्द्रीय सरकार द्वारा इस निमित्त उस सरकार द्वारा मान्यता प्राप्त कर्मचारियों के संगठनों से परामर्श करने के पश्चात् नियुक्त किए गए हों) ;

4. कैप्टन एन.ए.हीरानन्दानी, पोत स्वामी, पोत प्रबंधक और अभिकर्ता, सामुद्रिक संगम ।

5. श्री डी. पी. रेवाला, भारतीय राष्ट्रीय पोत स्वामी संगम, मुम्बई ।

6. कैप्टन सोमनाथ पाही, भारतीय राष्ट्रीय पोत स्वामी संगम, कलकत्ता ।

नाविक प्रतिनिधि (केन्द्रीय सरकार द्वारा इस निमित्त सरकार द्वारा मान्यता प्राप्त कर्मचारियों के संगठनों से परामर्श करने के पश्चात् नियुक्त किए गए हों) :

7. डा. लियो बर्नेस, भारतीय नाविक राष्ट्रीय संघ, मुम्बई

8. श्री बसंत पी. सामंत, भारतीय नाविक राष्ट्रीय संघ मुम्बई।

9. श्री अनिल बरन दास, फारवर्ड सीमेंस यूनियन आफ इंडिया, कलकत्ता।

[फा. सं. एमटी-14018/5/2000-एम टी]

आर. एस. बिष्ट, अवसर सचिव

टिप्पण—मूल अधिसूचना अधिसूचना, का.आ. 5757 तारीख 11 दिसम्बर, 1985 द्वारा प्रकाशित की गई थी और पश्चात् अधिसूचना सं. का.आ. 568 तारीख 13 फरवरी 1991 और का.आ. सं. 277 तारीख 27 जनवरी 1996 द्वारा संशोधित की गई।

MINISTRY OF SHIPPING

(Shipping Wing)

New Delhi, the 18th April, 2001

S.O. 868.—In exercise of the powers conferred by section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966) read with paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Transport, Department of Surface Transport (Shipping Wing) number S.O. 5757, dated the 11th December, 1985, namely:—

In the said notification for the headings "Chairman" and "Members" and the entries relating thereto, the following headings and entries shall respectively be substituted, namely: —

"Chairman :

The Director General of Shipping, Mumbai.

Members :

Government Representatives :

1. The Director or Deputy Secretary, Ministry of Shipping, New Delhi, looking after Mercantile Marine Administration, which includes Seamen's Welfare.

2. Deputy Director General of Shipping, Mumbai dealing with Seamen's Welfare.

3. Deputy Financial Adviser, Ministry of Shipping, New Delhi.

Employers' Representatives (Appointed by the Central Government after consultation with Organisations of employers recognised by that Government in this behalf) :

4. Capt. N. A. Hiranandani, Maritime Association of Shipowners, Shipmanagers and Agents.

5. Shri D. P. Revawala, Indian National Ship-owners' Association, Mumbai.

6. Capt. Somnath Pahi, Indian National Ship-owners' Association, Kolkata.

Seamen's Representatives (Appointed by the Central Government after consultation with Organisations of Seamen recognised by that Government in this behalf) :

7. Dr. Leo Barnes, National Union of Seafarers of India, Mumbai.

8. Shri Vasant P. Samant, National Union of Seafarers of India, Mumbai.

9. Shri Anil Baran Das, Forward Seamen's Union of India, Kolkata."

[File No. ST-14018/5/2000-MT]

R. S. BISHT, Under Secy.

Note : The principal notification was published vide notification number S.O. 5757 dated the 11th December, 1985 and was subsequently amended vide notification numbers S.O. 568 dated the 13th February, 1991 and S.O. No. 277 dated 27th January, 1996.

संचार मंत्रालय

MINISTRY OF COMMUNICATIONS

(डाक विभाग)

(Department of Posts)

डाक जीवन बीमा निदेशालय

Directorate of Postal Life Insurance

नई दिल्ली, 9 मार्च, 2001

New Delhi, the 9th March, 2001

का आ 869:—डाकघर बीमा निधि नियमावली के नियम 10 में प्रदत्त शक्तियों का प्रयोग करते हुए और 31-03-1996 की स्थिति के अनुसार ग्रामीण डाकघर बीमा निधि की परिस्थितियों तथा देयताओं के बीमांकिक मूल्यांकन के आधार पर डाक महानिदेशक, ग्रामीण डाक जीवन बीमा पालिसियों के, मृत्यु अथवा परिपक्वता के कारण दावे बनने पर 31-03-1996 को समाप्त हुए वर्ष के लिए निम्नलिखित दरों पर साधारण प्रत्यावर्ती बोनस की घोषणा करते हैं।

बीमा पालिसी का प्रकार	बोनस की दर
1. आजीवन बीमा	प्रति हजार बीमित राशि के लिए 75- रु.

2. बंदोबस्ती बीमा	प्रति हजार बीमित राशि के लिए प्रत्याशित बंदोबस्ती बीमा 60 रु.
-------------------	---

2. 01-04-1996 से 31-12-2001 के बीच की अवधि के दौरान प्रविष्टि पालिसियों के लिए 01-04-1996 से 31-12-2001 के बीच की अवधि के दौरान परिपक्वता अथवा मृत्यु के कारण उत्पन्न हुए सभी दावों के लिए ऊपर उल्लिखित दरों पर अंतरिम बोनस भी देय होगा (01-04-96 को अथवा इसके बाद जारी की गई पालिसियों के संदर्भ में बीमा के प्रथम पालिसी वर्ष सहित)

3. बोनस की ऐसी राशि, जिसमें 50 पैसे अथवा इससे अधिक का अंश अंतर्ग्रेस्त है, को अगले उच्चतर रूप में पूर्ण-कृत कर दिया जाएगा और 50 पैसे से कम के अंश की उपेक्षा कर दी जाएगी।

4. इसे वित्त सलाह (डाक) की डायरी सं. 108/एफ ए/2001/सीएस दिनांक 09-03-2001 के जरिए प्राप्त उनकी सहमति से जारी किया जाता है।

[सं. 13-1/98-एल आई]

ए. के. पोद्दार, उप महाप्रबंधक

S.O. 869 —In exercise of powers conferred vide Rule 10 of Post Office Insurance Fund Rules and on the basis of actuarial valuation of the assets and liabilities of Rural Post Office Insurance Fund as on 31-3-1996, the Director General Posts is pleased to declare a simple reversionary bonus on the Rural Postal Life Insurance Policies on their becoming claims, due to death or maturity at the following rates for the year ending 31-3-1996.

Type of Insurance Policy	Rate of Bonus
Whole Life Assurance	- Rs. 75 per thousand of sum assured.

Endowment Assurance &—	Rs. 60 per thousand of Anticipated Endowment Assurance sum assured.
------------------------	---

2. Interim Bonus at the rates mentioned above will also be payable for all claims arising due to maturity or death during the period from 01-04-1996 to 31-12-2001 for policies for which premiums have been paid and entered upon during the period from 01-04-1996 to 31-12-2001 (including first policy year of assurance in respect of policies issued on or after 01-04-1996).

3. The amount of bonus involving a fraction of 50 paise or more shall be rounded off to the next higher rupee and fraction below 50 paise shall be ignored.

4. This issues with the concurrence of Finance Advice (Postal) vide Diary No. 108/FA/2001/CS dated 09-03-2001.

[No. 13-1/98-LI]

A. K. PODDAR, Dy. General Manager

खाद्य, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

शुद्धि पत्र

नई दिल्ली, 24 अप्रैल, 2001

का. आ. 870.—भारत के राजपत्र भाग II खंड 3, उपखंड (ii) में प्रकाशित उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय (उपभोक्ता मामले विभाग) भारतीय मानक ब्यूरो नई दिल्ली की अधिसूचना संख्या केप्रवि/13 : 9 में निम्नलिखित संशोधन किया जाता है :—

संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)

का. आ. 128 दिनांक 21 दिसम्बर, 1995 संख्या 3, पृष्ठ 172-173 दिनांक 20 जनवरी, 1996

के लिए

IS : 3148

पढ़ें

IS : 3148



IS : 5348

IS : 5348



IS : 5507

IS : 5507



IS : 12823

IS : 12823



IS : 13592

IS : 13592



IS : 14102

IS : 14102



IS : 14104

IS : 14104

संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)

का. आ. 933 दिनांक 18 मार्च, 1999 संख्या 14, पृष्ठ 1926-1927 दिनांक 3 अप्रैल, 1999

के लिए

आई एम : 3148

पढ़ें

आई एम : 3148



आई एस : 8776

आई एस : 8776



आई एस : 14268

आई एस : 14268

संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)

का. आ. 2723 दिनांक 31 अगस्त, 1999 संख्या 39, पृष्ठ 6099-6100 दिनांक 25 सितम्बर, 1999

के लिए

IS : 163

पढ़ें

IS : 163



IS : 1146

IS : 1146



IS : 3148

IS : 3148



IS : 4158

IS : 4158



IS : 5133

IS : 5133



भाग-2

Part-2

संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)

IS : 5245

IS : 5245

IS : 8471

IS : 8471



भाग-2

Part-2

भाग-1

Part-1

IS : 5470

IS : 5470

IS : 9206

IS : 9206



IS : 6030

IS : 6030

IS : 9971

IS : 9971



IS : 6946

IS : 6946

IS : 10228

IS : 10228



IS : 7084

IS : 7084

IS : 10322

IS : 10322



भाग-5

Part-5

IS : 7173

IS : 7173

IS : 10532

IS : 10532



भाग-3

Part-3

IS : 7408

IS : 7408

IS : 10758

IS : 10758



भाग-1

Part-1

IS : 8255

IS : 8255

IS : 11340

IS : 11340



IS : 11688

IS : 11688



IS : 13209

IS : 13209



IS : 11879

IS : 11879



IS : 13779

IS : 13779



IS : 11884

IS : 11884



IS : 13954

IS : 13954



IS : 12088

IS : 12088



IS : 13983

IS : 13983



IS : 12299

IS : 12299



IS : 14101

IS : 14101



IS : 12776

IS : 12776



IS : 14102

IS : 14102



IS : 12912

IS : 12912



IS : 14103

IS : 14103



IS : 12916

IS : 12916



IS : 14104

IS : 14104



संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)

संदर्भ : कॉलम 2 (मानक मोहर का डिजाइन)

IS : 14105

IS : 14015

आई एस : 5348

IS : 5348



IS : 14151

IS : 14151

आई एस : 11188

IS : 11188



भाग-1

Part-1

पार्ट-1

Part-1

IS : 14151

IS : 14151

आई एस : 11928

IS : 11928



भाग-2

Part-2

का. आ. 2205 दिनांक 15 सितम्बर, 2000 संख्या 41, पृष्ठ
6562-6563 दिनांक 7 अक्टूबर, 2000

पार्ट-1

Part-1

के लिए

पढ़ें

आई एस : 1238

IS : 1238

आई एस : 12823

IS : 12823



आई एस : 2712

IS : 2712

आई एस : 13592

IS : 13592



आई एस : 3099

IS : 3099



[सीएमडी-1/13:9]
डा. स्नेह भाटला, निदेशक
(केन्द्रीय मोहर)

पार्ट-1

Part-1

**MINISTRY OF FOOD, CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION**

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS





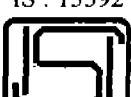
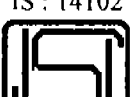
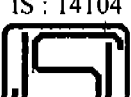
CORRIGENDUM

New Delhi, the 24th April, 2001

S.O. 870.—In the Notification No. CMD-I/13 : 9 published in Part II—Section 3-Sub-Section (ii) of the Gazette of India by Ministry of Food and Consumer Affairs (Department of Consumer Affairs) and Bureau of Indian Standards, New Delhi, the following corrections are made :




Ref : Column 2 (Design of the Standard Mark)

S.O. 128 dated 21st December, 1995, No. 3 page 173 dated 20th January, 1996.

<i>For</i>	<i>Read</i>
IS : 3148	IS : 3148 
IS : 5348	IS : 5348 
IS : 5507	IS : 5507 
IS : 12823	IS : 12823 
IS : 13592	IS : 13592 
IS : 14102	IS : 14102 
IS : 14104	IS : 14104 






Ref : Column 2 (Design of the Standard Mark)

S.O. 933 dated 18th March 1999, No. 14 page 1927 dated 3rd April, 1999.

<i>For</i>	<i>Read</i>
IS : 3148	IS : 3148 
IS : 8776	IS : 8776 
IS : 14268	IS : 14268 

Ref : Column 2 (Design of the Standard Mark)

S.O. 2723 dated 31st August, 1999, No. 39 pages 6101-6163 dated 25th September, 1999.

<i>For</i>	<i>Read</i>
IS : 163	IS : 163 
IS : 1146	IS : 1146 
IS : 3148	IS : 3148 
IS : 4158	IS : 4158 
IS : 5133	IS : 5133 
Part-2	Part-2

Ref: Column 2 (Design of the Standard Mark)**Ref: Column 2 (Design of the Standard Mark)**

IS : 5245

IS : 5245



Part-2

Part-2

IS : 8471

IS : 8471



Part-1

Part-1

IS : 5470

IS : 5470



IS : 9206

IS : 9206



IS : 6030

IS : 6030



IS : 9971

IS : 9971



IS : 6946

IS : 6946



IS : 10228

IS : 10228



IS : 7084

IS : 7084



IS : 10322

IS : 10322



Part-5

Part-5

IS : 7173

IS : 7173



IS : 10532

IS : 10532



Part-3

Part-3

IS : 7408

IS : 7408



Part-1

Part-1

IS : 10758

IS : 10758



IS : 8255

















IS : 8255



IS : 11340

IS : 11340



Ref : Column 2 (Design of the Standard Mark)		Ref : Column 2 (Design of the Standard Mark)	
IS : 11688	IS : 11688 	IS : 13209	IS : 13209 
IS : 11879	IS : 11879 	IS : 13779	IS : 13779 
IS : 11884	IS : 11884 	IS : 13954	IS : 13954 
IS : 12088	IS : 12088 	IS : 13983	IS : 13983 
IS : 12299	IS : 12299 	IS : 14101	IS : 14101 
IS : 12776	IS : 12776 	IS : 14102	IS : 14102 
IS : 12912	IS : 12912 	IS : 14103	IS : 14103 
IS : 12916	IS : 12916 	IS : 14104	IS : 14104 

Ref : Column 2 (Design of the Standard Mark)Ref : Column 2 (Design of the Standard Mark)

IS : 14105

IS : 14015



IS : 5348

IS : 5348



IS : 14151

IS : 14151



IS : 11188

IS : 11188



Part-1

Part-1

Part-1

Part-1

IS : 14151

IS : 14151



IS : 11928

IS : 11928



Part-2

Part-2

Part-1

Part-1

S O 2205 dated 15th September, 2000, No 41
pages 6563 dated 7th October, 2000.

*For**Read*

IS : 1238

IS : 1238



IS : 12823

IS : 12823



IS : 2712

IS : 2712



IS : 13592

IS : 13592



IS : 3099

IS : 3099



S O 128 dated 21st December, 1995, No 3 page
173 dated 30th January, 1996

Ref : Sl No 2, Column 4 (No and year of the Indian
Standard)

Part-1

Part-1

*For**Read*

IS 155348 : 1681

IS 5348 : 1981

[No CMD-1/13 9]
Dr SNEH BHATLA, Director
(Central Marks)

श्रम मंत्रालय

AWARD

नई दिल्ली, 30 मार्च, 2001

का.प्रा. 871:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संवत्स नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोवा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2001 को प्राप्त हुआ था।

[सं. एल-12012/16/99-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 30th March, 2001

S. O. 871.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Goa as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 29-3-01.

[No. L-12012/16/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA

AT PANAJI

(BEFORE SHRI AJIT. J. AGNI, HON'BLE
PRESIDING OFFICER)

Ref. No. IT/82/99

Shri Sham Kamaikar Kocharekar,
Rep. by The General Secretary,
Bank of Maharashtra Employees Union,
Kholapur. Workman/Party I

v/s

The General Manager (Personnel),
Bank of Maharashtra,
Central Office, 1501
Lokmangal Shivaji Nagar,
Pune (Maharashtra)—411005 ..Employer/Party II
Workman/Party I—Represented by Shri Subhas Naik.
Employer/Party II—Represented by Adv. Shri P. J.

Kamat.

PANAJI, DATED : 12-3-2001

1117 GI/2001—4

In exercise of the powers conferred by clause (d) of sub-section (1) and sub section 2 (A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government by order dated 28-05-1999 bearing No. L-12012/16/99/IR(B-II) referred the following dispute for adjudication by this Tribunal.

“Whether the action of the Assistant Gen. Manager, Bank of Maharashtra, Pune in reducing the increment to lower stage in time scale by two increments with cumulative effect and compulsorily retiring Sh. Sham Kamalakar, Kocharekar, Clerk of Bank of Maharashtra, Regional Office, Ratnagiri from 11-1-1997 is legal and justified.

If not to what relief the workman is entitled for ?”

2. On receipt of the reference a case was registered under No. IT/82/99 and registered A/D notice was issued to the parties. Both the parties were duly served with the notice. However, only the workman/ Party I (for short, “Workman”) put in his appearance and he was represented by Shri Subhash Naik. The workman filed his statement of claim at Exb. 4. The facts of the case in brief as pleaded by the workman are that the Employer/Party II (for short “Employer”) is a Nationalised Bank having Head Office at Pune, Regional Offices all over India including at Ratnagiri and branches all over India. That the workman was employed as a clerk cum typist initially at Dadar branch, Mumbai and from 20th March, 1989 he was transferred to Ratnagiri branch and thereafter in the year 1996 he was transferred to Regional Office at Ratnagiri where he worked till the date of termination of his service. That he was issued a charge sheet dated 3-8-96 for the first time in his career where in certain acts of misconduct were alleged against him, and an enquiry was held into the said charge sheet. That the enquiry officer submitted his findings holding him guilty of the charges and on receipt of the said findings the employer issued to him a show cause letter dated 26-12-96 proposing punishments mentioned in the said letters. That after hearing him on the proposed punishment, by letter dated 11th January 1997 he was awarded punishment of reduction to lower stage in time scale by two increments with cumulative effect in respect of the charge no. 1 and 4 and compulsory retirement w.e.f. 11-1-1997 in respect of charge nos. 2 and 3. That it was stated in the said letter that all the penalties will have a consecutive effect and in the sequence of 1, 4, 2 and 3 and by letter dated 11-2-97 the abovesaid punishment was confirmed. That the workman preferred appeal to the appellate Authority who after giving personal

hearing to him increased the punishment and imposed the punishment of reduction to lower stage in time scale by two increments with cumulative effect in respect of charge no. 1 and 4; and compulsory retirement in respect of charge nos. 2 and 3 and stated that all the above punishments shall have concurrent effect. That the workman raised the dispute before the Conciliation Officer and Asst. Labour Commissioner, Govt. of India, Vasco-da-Gama, Goa and the employer. That the conciliation proceedings ended in failure, and consequently dispute was referred to this Tribunal for adjudication. The workman contended that the punishment imposed on him is illegal, unjustified and discriminatory.

3. As mentioned earlier, though duly served with the notice, the employer did not participate in the proceedings and hence the case was proceeded ex-parte against the employer and subsequently ex-parte evidence of the workman was recorded, and the case was fixed for hearing final arguments. At this stage Adv. Shri P. J. Kamat appeared on behalf of the employer and submitted that he wants to make submissions on behalf of the employer on the point of maintainability of the reference as the evidence produced by the workman himself shows that the reference is not maintainable. Accordingly arguments on the point of maintainability of the reference were heard from both the parties.

4. Adv. Shri P. J. Kamat the learned counsel for the employer submitted that though power is vested with the Central Government to refer the dispute to an Industrial Tribunal constituted by a State Government still the reference should be made to such an Industrial Tribunal of the State where the whole or part of cause of action has arisen. His contention is that the State Industrial Tribunal to which the dispute is referred by the Central Government must have jurisdiction to decide the reference. His contention is that in the present case no cause of action either whole or part has arisen within the State of Goa and hence this Tribunal has no jurisdiction to decide the reference and consequently the same is not maintainable. In support of his this contention he has relied upon the judgement of the Bombay High Court in the case of Lalbhai Triumdal Mills Ltd. v/s Vin (D. M.) and others reported in 1956 ILLJ 557; The judgement of the Supreme Court in the case of (1) Indian Cable Co. Ltd. v/s Its Workmen reported in 1962 ILLJ 409; (2) Lipton Limited and another v/s Their employees reported in 1950-83 SCLJ Vol. 1, pg. 389; and (3) Workmen of Shri Ranga Vilas Motors (P) Ltd., and others v/s Shri Ranga Vilas Motors (P) Ltd., and others reported in 1950-77 SCLJ Vol. 4 pg. 2301; and the judgement of the Madhya Pradesh High Court in

the case of M. P. State Road Transport Corporation v/s Industrial Court, M. P. Indore reported in 1996 I CLR 291. Shri Subhas Naik representing the workman submitted on the other hand that since the conciliation proceedings were held at Vasco-da-Gama, Goa, by the Asst. Labour Commissioner, (Central) the reference made to this Tribunal is maintainable and hence this Tribunal has jurisdiction to decide the reference. He submitted that it is within the right of the Central Government to refer the dispute to the Industrial Tribunal in any State.

5. I have carefully considered the rival contentions of the parties. The point raised by the employer goes to the very root of the matter. The present reference has been made by the Central Government to this Tribunal by order dated 28-5-99. The order of reference states that the said reference is made under clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947. The third proviso to clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 empowers the Central Government to refer the dispute to a Labour Court or an Industrial Tribunal as the case may be, constituted by the State Government. This proviso is introduced by Amending Act, 46 of 1982 and it has come into effect from 21-8-1984, and it has been introduced to meet the practical difficulties. It is possible that in a particular area the Central Government may not have an authority of its own constituted under the provisions of the Industrial Disputes Act, 1947 to whom a reference of the dispute can be made. In such cases the above proviso empowers the Central Government to refer the dispute to the Industrial Tribunal constituted by the State Government for adjudication. However, the question is whether such a reference can be made to an Industrial Tribunal of any State? In the case of Tricunial Mills Ltd., (supra) the concerned employee was employed with the Petitioner Company at its branch office at Bombay. The head office of the said company was at Ahmedabad. The services of the employees were terminated on closing the branch office on 27-8-53. An application under the Bombay Industrial Relations Act, 1946 for reinstatement was filed before the Labour Court at Bombay. The Labour Court made a reference to the Industrial Court under Sec. 81 as the point was raised by the petitioner that the Labour Court had no jurisdiction to try and dispose of the application. The Industrial Court held that the Bombay Labour Court had jurisdiction. This order of the Industrial Tribunal was challenged before the Bombay High Court. The High Court held that the Bombay Industrial Relations Act, 1946 does not deal with the cause of action nor does it

indicate what factors will confer jurisdiction upon the Labour Court but applying the well known tests of jurisdiction, a Court or Tribunal would have jurisdiction if the parties reside within jurisdiction or if the subject matter of the dispute substantially arises within jurisdiction. The Bombay High Court held that in the case the subject matter arose in Bombay and not in Ahmedabad and therefore the Labour Court at Bombay, had the jurisdiction. In the case of Indian Cable Co. Ltd., (supra) the Supreme Court observed that the Industrial Disputes Act contains no provisions on the point when there is a controversy as to which the State has the jurisdiction to make the reference and therefore the same must be decided on the principles governing the jurisdiction of Courts to entertain actions or proceedings. The Supreme Court approved the above principles laid down by the Bombay High Court in the case of Lalbhai Tricumlal Mills Ltd., (supra). The Supreme Court has reiterated these principles in the case of Shri Ranga Vilas Motors (P) Ltd., (supra). In this case the concerned employees was transferred to Krishnagiri, the place of Head office of the company. At the time of transfer the said employee was working at Bangalore. The transfer order was challenged by the employee and the dispute was referred to the Labour Court, Bangalore for adjudication by the State Government of Mysore. This reference was challenged by the company before the High Court on the ground that the State Government of Mysore had no jurisdiction to make the reference. The High Court observed that the proper question to be raised is : Where did the dispute arise ? and further observed that there should clearly be some nexus between the dispute and the territory of the State and not necessarily between the Territory of the State and the industry concerning which the dispute arose. Applying the above principles the High Court held that the State of Mysore had the jurisdiction to refer the dispute to the Labour Court at Bangalore because at the time when the transfer order was made the concerned employees was working at Bangalore. The Supreme Court upheld the decision of the High Court on the above aspect approving the above principles laid down by the High Court. The Supreme Court also relied upon its earlier judgment in the case of Indian Cable Co. Ltd., (supra) and applying the principles laid down in the said case held that from the facts of the case it was clear that the subject matter of the dispute substantially arose within the jurisdiction of the Mysore Government.

6. The Industrial Disputes Act 1947 like Bombay Industrial Relations Act, 1946 does not deal with the cause of action nor does it indicate what factors will confer jurisdiction upon the Labour Court or the

Industrial Tribunal. Therefore as per the principles laid down by the Supreme Court and the Bombay High Court in the above referred cases a Labour Court or Tribunal would have jurisdiction if the parties reside within the jurisdiction or if the subject matter of the dispute substantially arises within the jurisdiction. In the present case the evidence of the workman was recorded. He has stated that he is the resident of Ratnagiri. The order dated 11-1-97 (Exb. W-4) imposing punishment on the workman is passed by the Disciplinary Authority namely the Regional Manager, Ratnagiri and the order dated 11-2-1997 (Exb. W-3) compulsorily retiring the workman from w.e.f. 11-1-97 and reducing his basic pay in view of the punishment imposed by the Disciplinary Authority is passed by the Chief Manager, Disciplinary matters, Central Office, Pune. At the time when charge sheet dated 3rd August, 1996 was issued to the workman, he was working at the Regional Office of the employer at Ratnagiri. The charge sheet stated that the workman had committed acts of misconduct while he was working at the Shivajinagar, Ratnagiri branch of the employer. The order of punishment dated 11-1-97 Exb. W-4 was passed by the Disciplinary Authority namely the Regional Manager, Ratnagiri when the workman was working at the Regional office of the employer at the Ratnagiri and also when the order dated 11-2-97 Exb. W-3 was passed by the Chief Manager, Central office, Pune, compulsorily retiring the workman w.e.f. 11-1-97 and reducing his basic pay, the workman was working at the Regional Office at Ratnagiri. The evidence on record which is discussed above shows that the workman was not residing within the Territory of Goa when the orders were passed against him no the orders were passed by the authorities of the employer in Goa. From the above evidence on record it can be seen that the subject matter of the dispute or the cause of action partly arose in Ratnagiri and partly in Pune. No cause of action or the subject matter of the dispute had arisen within the territory of Goa, and therefore in view of the principles laid down by the Supreme Court and the Bombay High Court in the above referred cases, the Central Government could not have made the reference of the dispute to the Industrial Tribunal of the State of Goa, that is, to this Tribunal. Shri Subhash Naik, representing the workman has sought to argue that because the conciliation proceedings were held by the Asst. Labour Commissioner (Central) at Vasco, the Central Government could make the reference of this Tribunal. I do not agree with this submission of Shri Subhash Naik. The proceedings before the Conciliation Officer and the proceedings before the Industrial Tribunal are the two independent and separate proceedings. Merely because conciliation pro-

ceedings were held by the Asst Labour Commissioner (Central) Vasco, that by itself will not confer jurisdiction on this Tribunal. Sec. 4 of the Industrial Disputes Act, 1947 provides for appointment of Conciliation Officer by the appropriate Government for the purpose of mediating and promoting the settlement of Industrial disputes. Clause 2 of the said section states that the appointment of the conciliation officer may be for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period. Thus, it is within the discretion of the appropriate Government to confer jurisdiction on the conciliation officers over such area as it may deem fit. In the present case since the Conciliation proceedings were held by the conciliation officer namely the Asst. Labour Commissioner (Central) Vasco-de-Gama, the only reasonable inference which can be drawn is that the Central Government had conferred powers on the Asst. Labour Commissioner (Central) at Vasco, Goa, to hold conciliation proceedings in respect of the disputes arising in some parts of Maharashtra including the Ratnagiri Region. In other words, the Asst. Labour Commissioner (Central) Vasco-da-Gama, Goa, was appointed as the Conciliation Officer also for the Ratnagiri Region, and therefore he held the conciliation proceedings with reference to the dispute in the present case. In the light of what is discussed above, I am of the view that since no cause of action or the subject matter of the dispute or any part of it has arisen within the territory of Goa, this Tribunal has no jurisdiction to decide the reference and consequently the reference of the dispute made by the Central Government to this Tribunal is not maintainable and the same is liable to be rejected. I, therefore hold so accordingly.

In the circumstances, I pass the following order.

ORDER

It is hereby held that the reference made by the Central Government is not maintainable and hence the same is rejected.

No order as to cost. Inform the Central Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 3 अप्रैल, 2001

का.आ. 872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टिस्को के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के

पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2001 को प्राप्त हुआ था।

[सं. एल-20012/59/96-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 3rd April, 2001

S.O. 872.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/S TISCO Ltd. and their workman, which was received by the Central Government on 30-3-2001.

[No. L-20012/59/96-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 83 of 1997.

Parties : Employers in relation to the management of Jamadoba Colliery of M/S. TISCO.

AND

Their Workmen.

Present : Shri Sarju Prasad.

Presiding Officer.

Appearances:

For the Employers : Shri B. Joshi, Advocate.

For the Workman : Shri C. Prasad, Advocate & General Secretary, R.M.U.

State : Jharkhand. Industry : Coal.

Dated, the 16th March, 2001.

AWARD

By Order No. L-20012/59/96-IR(C-1) dated 3-4-97 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management in denial to provide employment to the dependent, Shri Manoj Kumar S/o Sri Ganesh Singh is justified? If not, to what relief is the concerned workman entitled?"

2. The present dispute has been raised by Rashtriya Mazdoor Union. The brief facts; giving rise to this dispute is that Ganesh Singh was a permanent employee of M/s. TISCO Ltd. posted as Minor Loader at 6 & 7 Pits colliery of the company. He was appointed on 4-7-77 and was discharged from his service on account of medical unfitness with effect from 25-7-94 on completion of 17 years of service. According to the sponsoring union as per Mines Act under Mines Rules, 1955 the concerned workman, Ganesh Singh was examined under periodical medical examination on 28-6-89. As per the provision of Mines Rules, 1955 a miner/loader was required to be periodically examined on completion of every five years. The concerned workman was again, directed to appear on 13-7-94 before the Medical Board at Tata Central Hospital, Jamadoba through letter dated 29-6-94/1-7-94. Accordingly he appeared before the Medical Board and was found medically unfit for the original job and accordingly the concerned workman was discharged from his service with effect from 25-7-94 on medical ground. The concerned workman, Ganesh Singh demanded employment of his dependent son, Manoj Kumar. Although the concerned workman was examined on due date i.e. after five years from his previous periodical medical examination on 28-6-89 he has not been given the benefits of unfitness and he should have been allowed employment to his dependent son. According to the sponsoring union, the concerned workman, Ganesh Singh was suffering from Lungs disease and was admitted in Tata Central Hospital, Jamadoba on 22-11-93 and continued his treatment but the management did not send the concerned workman to the Medical Board at that time, rather he was sent to Medical Board on 13-7-94 just after completion of five years. Therefore, according to Clause 9:4:3 of NCWA-IV the dependent son of Ganesh Singh is entitled for employment, but the management did not implement the said direction. Thus, the union has claimed employment of Manoj Kumar Singh son of Ganesh Singh on the aforesaid ground.

3. The management has admitted that Ganesh Singh was appointed as miner/loader on 4-7-77 and he was discharged from service on account of medical unfitness with effect from 25-7-94. But according to the management, the provision of NCWA-IV is not applicable in case of employment of dependent in TISCO Ltd. and in its place rule for providing employment to the dependent has framed by TISCO Ltd. is applicable and even the recognised union has agreed to follow the rule regarding employment of dependent framed by TISCO then to follow the provision of NCWA. According to the management, similar such dispute has already been decided in favour of the management and therefore the dependent of Ganesh Singh, namely, his son Manoj Kumar Singh

is not entitled to immediate employment. However the management has admitted that his name has been registered by the concerned workman, Ganesh Singh and he will be given employment in due course of time in case of any vacancy is available that also according to seniority list regarding employment to dependent. In the result the management has prayed to give an award that the concerned workman is not entitled to any relief.

4. It is admitted that Ganesh Singh, father of Manoj Kumar, was a minor/loader appointed on 4-7-77 and was discharged from his service on account of medical unfitness with effect from 25-7-94 i.e. on completion of seventeen years of service under the company. It is also admitted that the concerned workman was sent for periodical medical examination on 29-6-89 and therefore as per Mines Rules he was due to be referred for periodical medical examination after 28-6-94. It is admitted that the management has directed the concerned workman to appear before the Medical Board on 13-7-94 when he appeared and was found medically unfit. It is admitted that in NCWA-IV there is the foot-note to Clause 9:4:3 which is a provision relating to employment of dependent in case of medical unfitness or otherwise with respect to TISCO. According to that foot-note the rules regarding dependent employment will be applicable in case of TISCO. But subsequently NCWA-V has come into force from 1-7-91 to 30-6-96, an extract of that NCWA has been filed by the management as Ext.M-1. In NCWA-V in Clause 9:3:0 there is provision of employment of dependent and Clause 9:3:1 provides for one dependent of workers to be employed who are disabled permanently and also those who die while in service. In the foot-note to this NCWA-V it has been mentioned that in the case of TISCO, the matter would be settled at Bi-partite level. But in the foot-note of NCWA-IV it has been mentioned that in regard to employment to dependent of TISCO will follow their existing practice. Thus, what was the provision in NCWA-IV regarding dependent employment in case of TISCO has been left to be settled by Bi-partite agreement. The management has not filed any Bi-partite agreement regarding dependent employment after coming into force of NCWA-V. The foot-note of NCWA-V just above Clause 9:6:0 it has been mentioned that this would supersede all past agreements, circulars and instructions issued on the subject in so far as issues are covered by the provision hereinabove. That means after coming into force of NCWA-V any agreement or award contrary to NCWA-V regarding social seniority in Chapter IX has been superseded. The TISCO has not filed any Bi-partite agreement after coming into force NCWA-V. They have filed a letter of Joint General Secretary of R.C.M.S. which is recognised trade union in TISCO

is dated 7-2-81 with regard to implementation of NCWA-II. Thus, the said letter of R.C.M.S. is not a Bi-partite agreement after coming into force of NCWA-V. Since NCWA-V supersedes previous agreement and provision of Chapter IX therefore unless there is any Bi-partite agreement the TISCO will also have to provide employment to the dependent of disabled workmen if the other conditions satisfy. Furthermore, the management's own witness MW-1 Vijay Pandey who is Manager (Personnel) at Jamadoba of TISCO, has admitted in cross-examination that there is separate provision for a workman who is found unfit at periodical medical examination which is to be done after interval of every five years and if at the periodical medical examination a workman is found unfit then the dependent must get employment under the company alongwith other money benefit. In the present case we find that the concerned workman has claimed that he was examined on 28-6-89 and he has been again examined after completion of five years on 13-7-94. It is admitted that as per Mines Rules the concerned workman was to be periodically examined to find out his medical fitness after completion of five years. Thus, I find that the concerned workman, Ganesh Singh was found unfit when his periodical medical examination was due, therefore accordingly to the admission of MW-1 the dependent of Ganesh Singh was entitled for employment besides other money benefits. Therefore, I find that the action of the management in not providing employment to Manoj Kumar Singh son of Ganesh Singh is not justified.

5. Accordingly, I render award—

That the action of the management in denial to provide employment to the dependent, Manoj Kumar, son of Ganesh Singh, is not justified and he is entitled for employment forthwith. The management is directed to provide him employment within 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 3 अप्रैल, 2001

का.अ. 873—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2001 को प्राप्त हुआ था।

[सं. एल-20012/353/91-आईआर(सी.-1)]

एस. एस. गुप्ता, अधीक्षक सचिव

New Delhi, the 3rd April, 2001

S.O. 873.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award of the Central Government Industrial Tribunal, No.-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s BCC Ltd. and their workman, which was received by the Central Government on 30-3-2001.

[No. L-20012/353/91-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD
PRESENT :

Shri Sarju Prasad, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 8 OF 1993

PARTIES : Employers in relation to the management of Khas Kusunda Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri Chandrika Prasad,
Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 19th March, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/353/91-I.R. (Coal-I), dated, the 17th December, 1992.

SCHEDULE

“Whether the demand of National Coal Workers Congress for employment on the roll of Khas Kusunda Colliery of BCCL of Smt. Girija Kamin and 225 others (as per details annexed with annexure U-I) with full back wages is justified? If so to what relief the workmen are entitled?”

2. The present industrial dispute has been raised by National Coal Workers Congress for employment of Smt. Girija Kamin and 225 others for employment on the roll of Khas Kusunda Colliery of M/s. BCCL with full back wages.

3. According to the sponsoring union Girija Kamin and 225 others whose names find place in the annexure to the reference order were working as casual wagon loader at Khas Kusunda Colliery from the year 1976 to 1983 besides doing misc. jobs. According to them a list was prepared for regularisation of Girija Kamin and 225 others under the signature of the officers of the management but the management did not regularise them on the roll of Khas Kusunda Colliery. Then the sponsoring union has raised the present dispute.

4. The management has denied to have engaged the concerned persons as casual wagon loaders between the period 1976 to 1983. They have denied that the concerned persons have been ever engaged either on prohibited category of job or non prohibited category of job. However, they have admitted that by notification of the Central Govt. engagement of contract Labour has been prohibited in the job of loading and unloading of coal by notification of February, 1975. Thus according to the management there is no relationship of employer and employee between the concerned persons and the management of Kankanee Colliery, therefore the present dispute is bad in law and the concerned persons are not entitled to any relief. The management has further stated that during the period 1973 to 1976 the supply of railway wagon was erratic and sometimes railway was not in a position to supply any wagon and sometimes they used to supply excess wagons and to get that work loading work was being done by engaging extra labour who were separately enrolled as casual wagon loader but the concerned persons name does not find place either in the roll of permanent wagon loader or casual wagon loader. Therefore, according to them the concerned persons are not entitled to any relief.

5. In order to come to just conclusion let us first of all see whether the sponsoring union has been able to prove that the concerned persons were ever employed as wagon loader at Khas Kusunda Colliery between the year 1976 to 1983.

6. In order to prove that the concerned persons have worked as casual wagon loader at Khas Kusunda Colliery the sponsoring union has examined WW-1 K. D. Yadav who was working as Medical Clerk at Khas Kusunda Colliery and is also the branch President of the sponsoring union who has proved leave slip relating to the concerned work women under the signature of H. K. Jha, Manager of the colliery

which has been marked Ext. W-1. Similarly 3 other leave slips under the same signature are Ext. W-1/1 to W-1/3 granting leave to Mangal Yadav, Shanti Bai and Mahanand Jha. He has again proved 12 leave slips under the signature of R.L.P. Singh, P.M. of the colliery which have been marked Ext. W-1 to W-1/15. Again six leave slips have been filed by him under the signature of Asstt. Manager which have been marked Ext. W-1/16 to W-1/22 and another leave slip Ext. W-1/22 under the signature of Subrata Pal, Asstt. Manager. These leave slips go to show that the concerned persons were granted leave by the officials of the colliery on different times although the management has suggested that these documents are forged document but the management has not examined any of the signatories of these leave slips to show that the same are forged and fabricated one. Further this witness has proved overtime slips Ext. W-2 to W-2/7 to show that the concerned persons have been issued slips to do overtime work. He has come to say that the concerned persons have worked as casual wagon loader. Again this witness has proved demand of the sponsoring union Ext. W-3 and a list of workmen prepared by the management under the signature of Nagendra Jha, Attendance Clerk, Krishnandan Singh, Att. Clerk, Ash Mohammad Bhatta, Incharge and Daljit Singh, Asstt. Colliery Manager and also signed by B. R. Tripathi, the Manager of the colliery which has been marked Ext. W-4. It has been pleaded by the sponsoring union that a list of casual wagon loader was prepared by the management under the signature of officers of the management and this is the said list which has also been enclosed as annexure to the reference order. Although this witness has come to say that this list contains signature of Asstt. Manager and Manager of the colliery besides the attendance clerk, the management has not examined any of them as witness to refute the assertion of the sponsoring union. Therefore, from Ext. W-4 it appears that the management has prepared a list of casual wagon loader in which the names of the concerned persons find place. Again this witness has filed and proved photo copies of wage sheets of the concerned persons in 13 pages which has been marked Ext. W-8 and the signature of Suraksha Singh, Bill Clerk, Chimanlal Majhi, Accountant and R. C. Sharma, Superintendent of Mines. This Ext. W-8 also proves that the concerned persons were paid wages and their Provident Fund was also deducted. Neither of the persons who is alleged to have put signature has been examined by the management to deny such wagesheets.

7. W-2 Mahendra Pratap Singh is one of the concerned workmen who has said that he along with other concerned persons have worked in the job of wagon loading, truck loading and removal of ash

from the Bhatta, and their attendance was more than 240 days in a year. He has said that they were being paid wages in the cash counter of the colliery although he has admitted that they were not given any appointment letter or any paper to show appointment but the present dispute is only because the management has not given them any appointment letter or have enrolled them as permanent employee of M/s. BCCL. WW-3 Ash Mohammed was working as Bhatta Incharge at Khas Kusunda Colliery and he has admitted that he has forwarded leave application after putting signature which have been marked Ext. W-1 series. The management has cross-examined him to show that he too after retirement from service raised an industrial dispute, therefore, he has come to give false evidence but the sponsoring union has examined another Attendance Clerk Krishnandan Singh, WW-4 who has said that the concerned workmen have been working as casual wagon loader and he too put his signature in Ext. W-4 besides the Asstt. Manager and Manager of the colliery and also Agent of the colliery. He has said that regular employee of the management get I.D. Card and pay slip. The management has suggested that even a casual worker's name find place in the Form B Register but the management has not filed any Form B Register of any casual workers. WW-5 Narendra Jha is another Attendance Clerk and he too has admitted that he has put his signature in Ext. W-4, the list of the casual wagon loader prepared by the management. On the other hand the management has examined M-1 Ram Narayan Singh, Time Keeper who has proved I.D. Card Register Ext. M-1 and M-1/1 and has said that the concerned persons have not worked in the said colliery. But from the I.D. Card Register it appears that it starts from 996 that means I.D. Card upto S. No. 995 has not been filed. Therefore, this I.D. Card register does not help the management to disprove the assertion of the sponsoring union. MW-2 Bhagwan Pandey is working as Dy. P.M. at Khas Kusunda Colliery since May, 1994. He has produced cash book Ext. M-2 to M-2/4 and Bonus Register M-3 and M-3/1. He has clearly stated that since he was not working prior to 1994 at Khas Kusunda Colliery therefore he cannot say if the concerned persons have worked in any capacity or not. Besides that nowhere the sponsoring union has claimed that the concerned persons were paid Bonus or payment was made through Cash Book. Therefore, these registers do not help the management. M-3 Debnandan Tewary has said that he does not identify the workmen working in the colliery. Therefore, his evidence is neither here nor there. Thus it appears that apart from the oral evidence the sponsoring union has filed a list of casual wagon loaders prepared by the management which is also the annexure to the order of reference,

and it appears that they are working from 1975 to 1988. Thereafter the management has also filed wagesheets in 13 pages to show that the concerned persons have been paid wages for wagon loading and truck loading. They have also filed leave slips to show that they have been granted leave by the management and thus they were working directly under the control of the management of Khas Kusunda Colliery of M/s. BCCL. Therefore, I find that the sponsoring union has been able to prove that the concerned persons have been working as casual wagon loader from the year 1976 to 1988. Therefore, the relationship of employer and employee has been established. The concerned persons are the workmen of the management of M/s. BCCL's Khas Kusunda Colliery who are doing the prohibited category of job in which engagement of contractor has been prohibited by issue of notification by the Central Govt. in the month of February, 1975. Therefore, applying the ratio of Air India Statutory Corporation versus United Labour Union's case decided by Hon'ble Supreme Court reported in 1997 Lab I.C. Page 365 the concerned persons are entitled for regularisation as permanent employee of M/s. BCCL. But we all know that at present financial condition of BCCL is very bad and BCCL is running in loss, therefore no order to back wages has to be made.

In the result, the following Award is rendered :

"The demand of the National Coal Workers Congress for employment of Girija Kamin and 225 others as per list contained in the reference order dt. 17-12-92 is justified. They are entitled to wages of piece rated worker as admissible under NCWA. The management is directed to regularise the concerned workmen within 30 days from the date of publication of the Award failing which they shall be entitled to wages as per NCWA from the date of publication of the Award."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 3 अप्रैल, 2001

का. आ. 874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एन ई.पी.सी. एअर लाइंस लिमि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, अधिकरण नई दिल्ली को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2001 को प्राप्त हुआ था।

[सं. एल-11012/25/96-आई.आर. (सी.-I)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 3rd April, 2001

S. O. 874.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of NEPC Airlines Ltd. and their workman, which was received by the Central Government on 30-3-2001.

[No. L-11012/25/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV : PRESIDING
OFFICER : CENTRAL GOVT. INDUSTRIAL
TRIBUNAL : NEW DELHI

I.D. No 124/97

In the matter of dispute between :

Shri Kirpal Singh,
D-52, Jal Vahyu Vihar, Sector-21,
NOIDA-201301

Versus

The Vice President,
NEPC Airlines Ltd.,
C-39, Pawan House,
Middle Circle,
Connaught Place, New Delhi-1.

APPEARANCES : None for the workman.
Shri Rajesh Kumar for the
Management.

AWARD

This is reference under section 10(1)(d) 1-(A) of I. D. Act, 1947 (hereinafter referred to as Act) referred by the Central Government in the Ministry of Labour vide its Order No. 11012/25/96-IR (C-1) dated 13 August, 1997 for the adjudication of the industrial dispute on the following terms :

"Whether the demand of Capt. Kirpal Singh that his services be reinstated by the management of N.E.P.C. Airlines Ltd. is legal and justified? If so, to what relief is the workman entitled?"

2. According to the workman he was appointed as Captain/Pilot w.e.f. 7-6-1994 by N.E.P.C. Airlines (hereinafter referred to as Management) and he was thereafter dismissed from service vide letter dated 27-8-1994 from the Management.

3. He has stated that he was having a flying experience of more than 40 years and holding Airlines Transport Pilot Licence of over 9500 hours of flying to his credit. Prior to joining the service under the Management he was employed in the Indian Air Force and he had served there for 23 years and thereafter he had served 16 years in

Steel Authority of India Limited as a Pilot. He was also engaged in V.I.P. Flights for the last 18 years. He had also participated in the major armed conflicts across the borders during his career such as 1961 Goa operations 1962 Indo-Chinese conflict, 1965 and 1971 Indo Pak Wars. He was also awarded Vir Chakra and Vayu Sena Medal for his meritorious service with these service backgrounds he had joined services under the Management and had worked honestly and with all sincerity and devotion. His last drawn pay was Rs. 32000/-.

4. Workman has assailed order of his dismissal on the ground firstly that it was passed without giving any show cause notice or issuing charge sheet or holding departmental enquiry against him. Secondly that he was not paid a notice pay at the time of his dismissal. He was not even paid his earned wages for the month of August, 1994. He was only paid his salary upto 31-7-94.

5. He has further stated that according to his super-annuation age he was to retire at the age of 60 in the month of August, 1995 and thus he was entitled for his reinstatement in service till the date of his said retirement date. Demand notice dated 18-1-95 through registered post as well as through U.P.C. was sent to the Management and it was acknowledged accordingly but the Management did not give any heed to the workman request for his reinstatement with continuity in service and full back wages till the date of his retirement.

6. The Management has contested the workman's claim. At the beginning in the written statement it has raised a preliminary objection about the incompetency of the reference and it is stated that on the own showing of the workman he was to retire on his superannuation in the month of August, 1995 at the age of 60 years and thus according to the guidelines issued by D.G.C.A. no permit to a Commercial Pilot to serve beyond the age of 60 years should be given. Hence the workman's demand for his reinstatement is unjustified and reference which only relates to the question of reinstatement of the workman is bad and improper. It is also stated that this Tribunal or court cannot travel beyond the terms of reference.

7. It is next stated that the workman was not the workman within the meaning of section 2(s) of the Act and the reference on this ground cannot be held legal.

8. On facts it is stated that alongwith the workman several other candidates were interviewed in the month of June, 1994 for appointment as

Commercial Pilot and then it was told to all the candidates including workman that they would be required to fly particular type of Aircraft such as King Air C-90 and they were asked to have a current licence in their favour issued by the competent authority. The workman had then assured the management for his handling King Air C-90 in an efficient manner and had also ensured to the management that he was having current licence valid for the year 1994, on these assertions of the workman he was then selected for his appointment by the management.

9. It is further stated that the workman had reported on duty on 8-6-94 at Madras to attend the Flying Test and when he was asked to fly long Aircraft from Madras to Delhi he refused to fly Air Craft pleading that the whether was not favourable. When in fact another Pilot was asked to take Aircraft to Delhi on the same day which was done by him. Again on inspection of the licence of the workman it was found that his licence was not current and the last endorsement which it bore was of 1-11-89 and the licence was not renewed thereafter. It was also found that in the licence held by the workman there was no endorsement for handling King Aircraft C-90 flight. Workman had given assurance that he would undergo training at his own expenses to make himself fit for the job and to get his licence renewed. It was then agreed that since workman was not able to spare a huge sum of money required for training management had prepared to incur all the expenses on training which was to be reimbursed by the workman in instalment or could be adjusted against his future salary and in view of these arrangements letter dated 11-8-94 was issued to the worker. The workman was offered several chances after 10-8-94 to fly King Air Craft C-90 but he refused to fly Aircraft on one pretext and the other and the management has lost confidence in him. It is further stated that the workman was also found handling with the parts of the aircraft which directly endangered the safety of the aircraft and on these circumstances flying services of the workman could not be utilised by the management. He was dismissed on 27-8-94. A letter dated 15-10-94 was sent by the management to the Director General Civil Aviation New Delhi about the facts of the dismissal of the workman. There is no illegality in the order of dismissal passed against the workman.

10. In the rejoinder filed by the workman he has reiterated his allegations made in the statement of claim.

11. Vide order dated 6-6-2000 direction for proceeding *ex parte* against the workman was given when he had failed to appear in the case.

12. Arguments on behalf of the management was heard.

13. After having considered entire facts and circumstances of the case I find that petitioner's claim for his reinstatement in service cannot be accepted since serious lacunae in the terms of reference is found.

14. It is common case of the parties that the workman was dismissed from the service vide letter dated 27-8-94 of the Management. In the statement of claim workman had alleged about the illegality of his dismissal.

15. Terms of reference do not contain the question of the order of dismissal of the workman. It only speaks about the justification of the demand of the workman for his reinstatement in service. So long the order of dismissal continues and is not set aside or find workman cannot get his reinstatement in the service.

16. According to section 10(4) of the Act I find this Tribunal has no right to travel beyond the terms of reference. True it is that incidental matters can be considered but in my view in the present case question of the validity or invalidity of the order of dismissal of the workman cannot be considered to be an incidental matter. Thus I find that the terms of reference should be answered in negative and against the workman. The award in the case is given accordingly.

DATED : 28-3-2001

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 3 अप्रैल, 2001

का.प्र. 875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में बी. सी. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (स.-I), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2001 को प्राप्त हुआ था।

[सं. एल-20012/214/93—आई आर (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 3rd April, 2001

S.O. 875.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 30-3-2001.

[No. L-20012/214/93-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT DHANBAD

PRESENT

Shri Sarju Prasad, Presiding Officer

In the matter of an Industrial Dispute under Section
10 (1)(d) of the I. D. Act, 1947

REFERENCE NO. 209 OF 1994

Parties :

Employers in relation to the management of
Loyabad Colliery of M/s. Bharat Coking Coal Ltd.
and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. N. Singh,
Addl. Gen. Secretary, & Ex-Secretary, National
Coal Workers Congress.

On behalf of the employers : Shri H. Nath Advocate.
State : Jharkhand Industry : Coal
Dhanbad, the 15th March, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them Under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/214/93-I.R. (Coal-I), dated the 12th August, 1994.

SCHEDULE

"Whether the action of the management of Loyabad Colliery of M/s. BCCL, P.O. Bansjora, Distt. Dhanbad in denying regularisation of the services of S/Sh. Uday Nand Jha and 46 others stone cutters (as per list annexed) is justified? If not, to what relief are the concerned workmen entitled?"

2. The present dispute has been sponsored by the National Coal Workers Congress for regularisation of Uday Narayan Jha and 46 others whose names find place in the list annexed to the reference order were engaged through contractor for doing job of stone cutters, coal cutter, Tyndal etc. as per the requirement and they worked as such in Kankanee Colliery continuously for quite a long time. In due course of time they demanded their regularisation on the permanent roll of the management because of the nature of their employment in prohibited category

of job but after the demands were made the management illegally stopped them from work against which there was agitation and there was discussion between the management and the union and as per record notes of discussion dt. 9-6-82 the management agreed that instruction would be given for formation of workers cooperative as done in case of Balihari Colliery to solve their problem and work be allotted to them through cooperative. But the management inspite of that did not implement that record notes of discussion then a hunger strike notice was given to the management. Then the management again discussed the issue in the office of the G.M. on 10-3-1983 with the union and as per the minutes of discussion, the G.M. agreed to submit details to management for taking necessary action within 3 days and then the notice of hunger strike was withdrawn. Thereafter cooperative society was formed by the workers which intimated to the Agent of Mudidih Colliery by the Dy. P.M., Sijua Area vide letter dt. 24-9-83 and the concerned persons were allotted work for driving of drift in Mudidih Colliery. Thereafter, the concerned workmen were getting work regularly from Mudidih Colliery to Loyabad Colliery interrupted by short intervals and they were continuously doing the work of stone cutting, coal cutting and Tyndal from 1984 to May, 1988. They were also given the work of coal cutting to do by hand picks from February, 1988 to May, 1988. In the meantime there was settlement to regularise all the cooperative workers in phased manner and 15 cooperative workers were regularised by the management but rest of them were not regularised inspite of several demand by the union. Thereafter the union raised an industrial dispute by its representation dt. 21/28-1-91. There was long drawn conciliation in the dispute and on 27-4-91 in the Sijua Guest House the management proposed that in the event the union closed the dispute the management would consider the issue of joining of duties of the concerned workmen pending consideration of their regularisation. As per that the union closed the dispute as per file settlement but the management neither provided the concerned person work nor regularised them as per the file settlement and therefore the union again made representation to the ALC(C) for reopening the dispute which ended in failure resulting reference to this Tribunal. The claim of the sponsoring union is for regularisation of the concerned persons as permanent employee of the management of Loyabad Colliery of M/s. BCCL.

3. The management has filed W.S.-cum-rejoinder to the W.S. of the sponsoring union in which they have denied that the concerned persons ever worked as stone cutter, coal cutter or in Tyndal work or in any prohibited category of job. However, the management has admitted that Udaya Narayan Jha

was given civil work like making stoppings Bick works, sand cleaning etc. for a period between Sept., 1987 to June, 1988 through proper work orders. The work allotted to Shri Udaya Narayan Jha was purely of temporary nature and after completion of the job no further work was allotted to Shri Jha. Thus according to the management the first person Shri Uday Narayan Jha is a contractor. However, according to them the work allotted to Uday Narayan Jha was of small in nature which hardly requires engagement of 4 to 5 persons. According to them the list of concerned persons attached to the reference order contains names of only job seekers who want to get employment by back door method and they have never worked with the management of Loyabad Colliery and none of them have worked even for a period of 190 days upto May, 1988. The management has got its own policy of employment and to regularise the concerned persons will offend the provision of the constitution as well as the rules and regulations made for employment of personnel in BCCL. Further according to the management the dispute has been raised at a belated stage and therefore the dispute has become stale and the concerned persons are not entitled to any relief.

4. From the pleadings of the parties the point for consideration is whether the concerned persons had worked at Loyabad Colliery in the job of stone cutter, coal cutter or in Tyndal work which are the prohibited category of job i.e. in those categories no contract can be engaged? If so, are the concerned persons entitled regularisation in the employment of the management?

FINDINGS

5. The sponsoring union has examined in all three witnesses and have filed a number of documents to prove that the concerned persons have been working as cooperative workers from the year 1984 to the Middle of 1988 in the job of stone cutter. WW-1 is Lakshman Rajak, a permanent employee of Loyabad colliery who has said that he knows all the concerned persons of this reference with whom he also used to work as contractor workers under contractor till 1983 and thereafter they were working under cooperative till 1985. This witness along with 15 others left the cooperative and sat on hunger strike. Thereafter an agreement was entered into with the management and the management regularised their services and agreed to regularise rest cooperative workers in phase manner 22 in each year but rest of the cooperative workers were not regularised. All of them worked upto June, 1988. He has further said that it was the management who was supplying equipments and materials for doing the job and the attendance was being marked by the Attendance Clerk of the colliery. He has denied that Uday Narayan Jha

was a contractor rather he has said that he was also one of the worker. He has admitted that the management has not given them any appointment letter. WW-2 Minhaj Mian was working as Senior Overman at Loyabad Colliery from June, 1964 to September, 1993. He too has stated that the concerned persons have worked as cooperative workers and they were doing the work of stone cutter from 1985 to middle of 1988. He has further stated that 15 cooperative workers have been regularised in service in the year 1985 and among them is Lakshman Rajak WW-1. He has further stated that the attendance of cooperative workers were marked by the Attendance Clerk and Cap Lamp was also given to them. They were supplied with implements from the stone of the colliery. He has clearly stated that the concerned persons were doing the permanent job of stone cutting. Thus WW-2 who was senior Overman at Loyabad Colliery has clearly supported that the concerned persons were working as cooperative workers. WW-3 Uday Narayan Jha has also fully supported that they were working as cooperative workers and were doing the job of stone cutting. He has also produced a number of documents to support that they were working as stone cutter. Amongst documents filed by the sponsoring union it is worth to mention that a few of the documents in order to arrive to a just conclusion. Ext. W-3 is the record notes of discussion dt. 9-6-82 from which it appears that the management has agreed to give to the contractors workers who have been rendered jobless work on formation of cooperative. Another record notes of discussion drawn on 10-3-83 Ext. W-14 goes to show that the General Manager of Sijua Area of BCCL agreed to allot work to the concerned persons through cooperative in the light of the record notes of discussion drawn between the Director (Personnel) M/s. BCCL and union after submission of paper relating to the formation of cooperative and pursuant upon this assurance of the General Manager hunger strike was called off. Ext. W-15 is another important document which is letter dt. 29-9-83 by the Dy. Personnel Manager of Sijua Area to the Agent, Mudidih Colliery to give work of stone cutting to 66 contractors workers of Kankanee Colliery who were earlier engaged in the said work at Kankanee Colliery through Kankanee colliery labour cooperative society and pursuant to that the workers of Kankanee Labour cooperative society were allotted work of driving drift in Loyabad Colliery sometimes in the year 1985 which lasted till for sometime of the middle of 1988. Again record of notes of discussion was drawn on 24-2-87 in the meeting of the management and the union which has been marked Ext. W-16 to consider the case of regularisation of workers engaged in drift cutting i.e. stone cutting in

compliance to which list of 66 workmen was submitted to the management but only 15 were regularised. The management has filed request letter dt. 30-6-89 by Uday Narayan Jha one of the concerned workman and President of the cooperative to G.M. of Sijua Area for non-payment of wages to the concerned workmen and regarding their stoppage of work. Similarly request was made to the G.M. by several letters Ext. W-19, 20, 21, 22, 23. The sponsoring union has also filed Ext. W-23 to show that they have raised industrial dispute which was closed due to settlement with the management that the management will consider giving employment to the concerned persons and their regularisation. The management has filed a reply letter dt. 30-9-91 by the Dy. C.P.M. of PB Area who has mentioned that he remembers that Shri R. K. Chaudhury, the then Dy. C.P.M. of Sijua Area has requested the union during the conciliation on 27-4-91 to close the dispute raised by Ext. M-1, Ext. W-23, Ext. W-44 is letter dt. 14-9-92 of the then Dy. C.P.M. of the area to the then Dy. C.M.E. of Loyabad colliery in compliance to the decision taken during the discussion between the G.M. of the area and the union to provide work to them. The management has filed company's circular Ext. EW-5 dt. 8/9-5-86 from which it appears that the management was having vacancy for appointment as Miner/Loader and it was decided to regularise the cooperative workers also who had completed 190 days work into the underground mine. Ext. W-6 is a letter dt. 9-4-87 of the P.M. of the Area to the concerned workman Uday Nand Jha and Ext. W-8 is a letter dt. 14-4-88 by the Superintendent of Loyabad colliery to Udayanand Jha, President of the cooperative to produce relevant records and register. Ext. W-9 is a letter dt. 10-10-87 of Superintendent of Loyabad colliery to the President of the Cooperative Society i.e. Udayanand Jha whereby he was intimated about the slow progress in driving/cutting stone by cross-cut method via main galary in No. 5 Pit of No. 10 Seam of Loyabad and he was warned that if the work in question was not completed by 24-10-87 a strong action will be taken against the workman. This letter of the Superintendent of Loyabad colliery proves beyond all doubt that the cooperative workers were engaged in the job of stone cutting in the year 1987 at Loyabad colliery. Thus from the documentary evidence and oral evidence it is crystal clear that the concerned persons were engaged in the job of stone cutting right from the year 1985 till the middle of 1988 which shows that the concerned persons were doing the job of permanent nature. The stone cutting job and drivage of stone drift has been declared to be a

prohibited category of job by the Central Govt. by notification dt. 21-6-88 as prohibited for engagement of contractor for such work. On the other hand the management has taken a plea that Uday Narayan Jha was a contractor who was given some civil nature of job from the month of September, 1987 to the middle of 1988 which were civil construction job of construction of ventilator stopping etc. by work order but the management has not filed any document or any work order to show that the management has awarded contract work of civil nature only; On the other hand the document which have been filed by the sponsoring union some of which are the documents written by the management it is clear that the concerned persons were engaged as cooperative workers from the year 1985 till Middle of 1988 for stone cutting job i.e. drivage of stone drift. The management has examined three witnesses. MW-1 is Shri S. J. A. Jafri, Senior P.O. working at Loyabad colliery from December, 1995. He has simply proved two copies of the letter given by the Union raising the industrial dispute which have been marked Ext. M-1 and M-1/1 and notice of ALC (C) is Ext. M-2. and photo copy of letter given by the management is Ext. M-3. He has clearly stated that he does not know any details of the case and since he was not posted in that colliery between the year 1986 to 1988. Therefore he is not competent to say whether the concerned persons have worked in the job of stone cutting or not. MW-2 Ambika Prasad Goswami is a surveyor of Loyabad colliery who has said that the concerned persons have not worked year to year in any permanent job rather work was given to the contractor purely temporary in nature in which maximum 5 to 10 workmen can be employed. He has further stated that the payment to the contractor was made on the basis of measurement but no bill or measurement book has been filed by the management to show that Uday Narayan Jha was only given temporary contract work. MW-3 Nand Kishore Jha was Sr. P.O. from January, 1985 to March, 1988. He has stated that he knows the concerned workman who was given contract work in the name of Shramik Sahayog Samiti for a very short period i.e. for one or two months. The contractor used to engage his workman and the management has nothing to do with such workman. Only 8 to 10 persons were required to be engaged by the contractor but the management has not filed any paper to show engagement of contractor. The management has not been filed a registration of the establishment under Contract Labour (Regulation and Abolition) Act nor they have

filed any licence of the contractor. Therefore, in view of the settled principles of law even the contractors workers in absence of registration of the principal employer and licence to the contractor be deemed to be the workman of the principal employer. The evidence of this witness is contradictory to the documentary evidence. It is, rather established that the concerned Persons were engaged in the job of stone cutting right from the year 1985 to the middle of 1988 and the management has failed to show that any contract work was given for work of casual nature only. Therefore, I find that the concerned persons were doing the permanent nature of job continuously from 1985 to the middle of 1988 in stone cutting job which has been prohibited by the Central Govt. for engagement of contract labour. Therefore, as per Air India Statutory Corporation versus United Labour Union's case reported in Lab I.O. 1997 page 365 the concerned persons must be regularised with effect from the date of declaration of such job being prohibited for engagement of contractor.

6. From the discussions made I find that the concerned persons were doing the job of stone cutting through cooperative which was of permanent and perennial nature and therefore they are entitled to be regularised in the employment of M/s. BCCL in Loyabad colliery but considering the financial condition of BCCL they shall not be entitled to any back wages.

7. In the result, I render the following Award "The action of the management of Loyabad Colliery of M/s. BCCL in not regularising the concerned persons as permanent employee is not justified. Consequently, they are entitled to be regularised as permanent employee of the BCCL in Loyabad colliery and are entitled to the wages as per NCWA without back wages. They are ordered to be regularised within 30 days from the date of publication of the Award failing which they shall be entitled to the wages as per NCWA from the date of publication of this Award."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.प्र. 876:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.ई.सी.एम. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय

जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/23/93-आईआर- (सी-II)]

एम. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S. O. 876.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22012/23/93-IR (C-II)]

N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR (MP).

(PRESIDED BY SHRI K.M. RAI)

CASE NO. CGIT/LC/R/103/93

Shri Hirendra Kumar Singh

& 4 others through SKMS Workman

Vs.

Dy. General Manager,

SECL Gevra Project Management

AWARD

(Passed on this 19th day of Feb. 2001)

The Govt. of India, Ministry of Labour, New Delhi by order No. L-22012/23/93-IR (C-II) dtd. 18-5-93 has referred the following dispute for adjudication to this Tribunal.

"Whether the management of Gevra Project of SECL, Bilaspur is justified in not regularising S/Shri Hirendra Kumar Singh, Ravindra Kumar Singh, B.P. Dubey, H.L. Haldhar and Razak Khan as Auto Electricians in Gr. D (Group-III) w.e.f 10-3-90 instead of regularizing them in Gr. E as done? If not, to what relief the workman concerned are entitled to?"

Parties to the dispute entered into written settlement praying for award in terms thereof. Accordingly the parties to the dispute having submitted an application dtd. 11-3-96 praying for passing no dispute award as they have finally settled the matter out of the Court. Now no dispute exists between the parties. Hence no dispute award is passed.

Copy of the award be sent to the Govt. of India Ministry of Labour, New Delhi for publication according to Law.

K.M. RAI, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.प्र. 877 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्.ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/52/91-आईआर-सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O. 877.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22012/52/91-IR-C-II]

N.P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR (MP)

(PRESIDED BY SHRI K.M. RAI)

CASE No. CGIT/LC/R/129/91

The Secretary, RKKMS (INTUC)

Office 15, Block Qr. No. G-64.

SECL, PO-Korba, Bilaspur (Chhattisgarh)

....Workman

Vs.

The Sub Area Manager,

SECL, Manikpur Colliery

PO : Manikpur,

Dist. Bilaspur (Chhattisgarh)

....Management

AWARD

(Passed on this 20th day of February, 2001)

The Govt. of India, Ministry of Labour, New Delhi by Order No. L-22012/52/91-IR (Coal-II) dtd. 2-7-91 has referred the following dispute for adjudication to this Tribunal—

“Whether the management of Manikpur Colliery justified in recording the date of birth of Shri D.J. Christopher, Shovel Operator as 25-12-31? If not, to what relief the workman concerned is entitled to?”

2. The management has informed this Tribunal by application dtd. 20-2-2001 that the workman

expired on 3-2-99 and no LR has filed application to substitute him as a party to his case within the prescribed period of limitation. In this way, this dispute abates.

3. On the above said reason no dispute between the parties remains to be adjudicated. The reference is answered accordingly.

4. Copy of the award be sent to the Govt. of India, Ministry of Labour, New Delhi for publication as per rule.

K.M. RAI, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.प्र. 878 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इल्यू.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 प्राप्त हुआ था।

[सं. एल-22012/136/89-आईआर-सी II]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O. 878.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman which was received by the Central Government on 3-4-2001.

[No. L-22012/136/89/IR-CII]

N.P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT JABALPUR

CASE NO. CGIT/LC/R/220/89

PRESIDING OFFICER : SHRI K.M. RAI

The General Secretary,

Khadan Magdoor Sangh

Pathakhora

....Applicant

Versus

The General Manager,

WCL, Pathakhora

....Non-Applicant

AWARD

Passed on this 1st day of March, 2001

1. The Government of India, Ministry of Labour vide order No. L-22012/136/89-IR C II dated 26-10-99 has referred the following dispute for adjudication by this Tribunal—

"Whether the stoppage from work of Shri Kashi Ram, S/o Devalaya, Telchand S/o Indal Punjab Rao A/o Bhaiya and Shri Narayan S/o Bhadd General Mazdoor w.e.f. 15-1-87 by the management of Superintendent of Mines/manager Mine No. 2 WCL Pathakhera is justified. If not what relief the workman concerned are entitled?"

2. The case for the workman is that they were employed as General Mazdoor on 11-3-84 in Pathakhera mines No.2 of WCL. They continuously worked in the said mine till 15-1-87. They were engaged for loading/unloading and transporting sand, bricks and stone etc. They were also digging ditches, helping in transporting of machines erecting electric poles and helping in repair works etc. Their work was of permanent nature and was connected to the mining operation. Their attendance was marked in the attendance register by the attendance clerk of WCL. They were paid at the rate of Rs. 10.50 per day. In spite of their more than 4 years of regular service, they were not regularised by the management. They were illegally retrenched in utter disregard of the provisions of Sec-25-F of ID Act 1947. Neither they were served with one month's notice nor they were paid retrenchment compensation by the management. The management adopted unfair labour practice in terminating their services. In this way the termination of workman w.e.f. 15-1-87 deserves to be quashed. The workmen are entitled to reinstatement with back wages and other monetary benefits.

3. The case for the management is that the workmen were never employed by the management of WCL Pathakhera mines No. 2. These workmen never worked in the employment of WCL at all. There was no relationship of employer and employee between the parties. No order of appointment was issued to the workmen by the management. The management is not aware that which contractor had employed these workmen to perform temporary nature of job. The contractors are given the temporary civil nature of job by the WCL and therefore no casual labour can claim to be regularised. The recruitment in WCL is done by the prescribed procedure. The name should be sponsored by the employment exchange for recruiting the workmen. All these formalities were never performed in the instant case. These workmen were never employed by the WCL and therefore they are not entitled to any relief as claimed by them.

4. The following issues arise in this case—

1. Whether the workmen are entitled to reinstatement with back wages?

2. Relief and costs?

5. Issue No. 1 : The workmen have not produced appointment order issued by the management to show that they were employed as General Mazdoor in Mine

No.2 of WCL. Pathakhera. They have also not filed the copy of Form B register. Form-C, D & E register to show that they were employed as General Mazdoor by the competent authority of WCL. In the absence of these authentic documents, it cannot be accepted that the workmen were in the employment of WCL.

6. For the purpose of recruitment for the post of General Mazdoor in the coal industry, the recruitment policy has been laid down as per National Coal Wage Agreement executed from time to time between the representative of Union and the management. For the recruitment of General Mazdoor, the vacancies are notified with the local Employment Exchange and their names are sponsored through the same. Only eligible candidates can be sponsored by the Employment Exchange. The selection committee constituted by the Competent Authority selects the candidates for the appointment to the post of General Mazdoor. The selected candidates are issued the appointment order mentioning the terms and conditions for employment. In the instant case no such formalities had been said to have been observed in employing the workmen. Any employment against the recruitment policy of rules is void ab-initio.

7. Shri Phoolchand and Ramdev have stated that the workmen were engaged for the work of loading, unloading, transportation of sand, bricks etc. digging ditches, erecting electric poles under the supervision of survey officer. The General Secretary of the Union Jayram Suryavanshi has stated that the workmen were working in civil department of WCL. They were being paid daily wages. The workmen have not been able to get the attendance register produced before this court to establish that their attendance was being marked in the survey office. In view of this fact it cannot be accepted that they were actually working under the supervision of Survey Officer of WCL.

8. Shri Ganesh and Ramsingh were given contract for doing some field work by the management. As per the work order, they completed their work and submitted bill Exhibit M-1, M-2 & M-3. The management made the payment as per bills and the contractors paid the wages of the workers employed by them for completing the work. This fact also goes to show that the workmen were never employed by the WCL as claimed by them.

9. In view of the foregoing reasons, it is amply established that the workmen have not been able to prove that they were appointed by the WCL in accordance with the recruitment policy/rules laid down in respect thereof. Any appointment in violation of these rules is void-ab-initio and on the basis of such appointment no workmen can claim regularisation

In this case, the relationship of employer-employee between the parties have not been established. Hence they cannot claim any regularisation and back wages. Issue No. 1 is answered accordingly.

10. Issue No. 2: In view of my finding given on issue no. 1 the workmen are not entitled to any relief as claimed by them. The reference is accordingly answered in favour of the management and against the workmen.

11. Copy of the award be sent to the Ministry of Labour as per rules.

K.M. RAI, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का आ. 879 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू. सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/137/89/आईआर.-सी-II]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O 879.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the 'Industrial Dispute between the employers in relation to the management of WCL and their workman which was received by the Central Government on 3-4-2001.

[No. L-22012/137/89/IR-C-II]

N.P. KESAWAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, JABALPUR

CASE NO. CGIT/LC/R/219/89

PRESIDING OFFICER: SHRI K.M. RAI

The General Secretary,
Khadan Mazdoor Sangh (AITUC),
Pathakhhera

....Applicant

Versus

The General Manager,
WCL,
Pathakhhera

....Non-Applicant

1117 GI/2001—6

AWARD

Passed on this 2nd day of March-2001.

1. The Government of India, Ministry of Labour vide order No.L-22012/137/89/IRC. II has referred the following dispute for adjudication by this tribunal—

"Whether the stoppage from work of the following workmen w.e.f. 24-11-86 by the management of superintendent of Mines/Manager, Regional workshop, WCL Pathakhhera is justified? If not what relief the workmen concerned are entitled?"

List of workmen

1. Gokul S/o Chhotelal
2. Shivaji S/o Chudlya
3. Dayashankar S/o Sukhdevrao
4. Kishorilal S/o Saliyattu
5. Manohar S/o Kisan
6. Munnalal S/o Ballu
7. Lalchand S/o Raju
8. Matji S/o Kohalu
9. Govind S/o Bajulal
10. Jagdish S/o Sitaram
11. Hamraj S/o Ganpat
12. Dhannu S/o Kamdev

2. The case for the workman is that they were employed as General Mazdoor on different dates. The oldest workman Shivaji was appointed in the year 1980 and the latest workmen Dhannu was appointed in January-86. All the workmen were employed in the regional workshop of WCL, Pathakhhera, Distt. Betul. These workmen continuously worked till 24-11-86 when their services were terminated without assigning any reason in respect thereof. Prior to termination of their service, neither any notice nor the retrenchment compensation was given to them by the management. These workmen were working along with other permanent workers of WCL for digging holes in erecting electric pole and laying over head line. They performed their duties as per the direction of the officers of workshop

3. The workmen further alleged that their work was of a permanent nature and it was integral part of the mining operations. They were marked present regularly in the attendance register by the clerk of the regional workshop. They were paid Rs. 10 60 pe day. In this way they were in local employment of WCL. In spite of their continuous service for more than 1-6 years they have not been regularised by the management. They have been illegally terminated in clear violation of the legal provisions of I. D. Act, 1947 which amounts to unfair labour practice. They have been illegally retrenched without complying the provisions of Sec-25-F of the Industrial Dispute Act, 1947. In view of all these facts, they deserve to be reinstated with back wages and other consequential benefits w.e.f. 24-11-86

4. The case for the management is that the 12 workmen, as per list of this case were never employed by the management of WCL, Pathakhera. These workmen neither performed their duties in regional workshop Pathakhera nor they were controlled by the Sr. Executive engineer of the workshop. The workmen were not the employee of the management and therefore they cannot claim to be the members of the KMS Union. In view of this fact the said Union cannot file their claim before this tribunal. No relationship of employer-employee exists between the parties. The management had engaged certain civil contractors for carrying civil nature of job. It is not known to the management as to whether these workmen were employed by the contractors or not. The civil nature of job is purely temporary nature of work. During the conciliation proceedings, the Union could not substantiate that these workers were either employed by the management or by the contractors. In view of this fact, cannot be said that these workmen are the employees of the WCL Management. The workmen are not entitled to any relief as claimed by them because no relationship of master and servant exists between the parties.

5. The following issues arises for this case :

1. Whether the workman are entitled to reinstatement with back wages w.e.f. 24-11-86.

2. Relief and costs ?

6. Issue No. 1 :

It has been specifically stated in the written argument by the management that the father's name of workman Lalchand, Nathu and Munnalal given in their affidavits before this tribunal are entirely different from their father's name submitted before the conciliation officer. In the reference order, father's name of the workman have not been given. In such circumstances, it becomes amply clear that the persons who raised the dispute before the Conciliation Officer were entirely different from those who have appeared before this tribunal and filed affidavits in support of their claim regarding being workman of WCL. This situation does not lead us to a definite conclusion as to whether the dispute raised by the persons before the Conciliation Officer are same whose dispute has been referred to this tribunal for adjudication.

7. The workman have not produced any document to show that they were appointed by the competent authority of WCL to establish the relationship of employer and employee in this case. They have also not filed any document to show that they had continuously worked for more than 240 days in the preceding 12 calendar months from the date of disengagement. In the absence of such evidence, their claim for regularisation can hardly be said to have been established.

8. For the purpose of recruitment for the post of General Mazdoor in the coal industry, the recruitment policy has been laid down as per National Coal Wage Agreement executed from time to time between the representative of Union and the management. For the recruitment of General Mazdoor, the vacancies are notified with the local Employment Exchange and their names are sponsored through the same. Only eligible candidates can be sponsored by the Employment Exchange. The selection committee constituted by the Competent Authority selects the candidates for the appointment to the post of General Mazdoor. The selected candidates are issued the appointment order mentioning the terms and conditions for employment. In the instant case no such formalities had been said to have been observed in employing the workmen. Any employment against the recruitment policy or rules is void ab initio.

9. The workmen have not been able to produce Form B register, Form C, D, E registers to prove that they were really appointed by the WCL. These are authentic documents which can prove the employment of any General Mazdoor in the coal industry. In the absence of these authentic documents it cannot be held that any person was appointed as General Mazdoor by the oral order of any Competent Authority. The management has filed the bills of the contractors vide Exhibit M-1, M-2, M-3 & M-4 which goes to show that some of the workmen, whose dispute has been referred, were employed by the contractors and their wages were paid by them in the presence of the representative of the management. As per the work order, the payment is made to the concerned contractor by the management and the contractor makes payment of wages to his workers whom he engages for doing the respective work.

10. Dayashankar has not entered into witness box nor has made any claim before this court. In such a circumstances, he can hardly claim adjudication regarding the alleged dispute between him and the management. He does not deserve any relief as claimed by him.

11. In view of the foregoing reasons, it is held that the workmen were not appointed by the WCL to work in the Regional workshop of WCL coal field, Pathakhera. The relationship of employer-employee has not been established between the parties in the case. The workmen have not been able to prove that they were appointed as General Mazdoor as per recruitment policy and rules. Hence they cannot claim any regularisation and back wages. Issue No. 1 is answered accordingly.

12. Issue No. 2 :

In view of my findings given on Issue No. 1 the workmen are not entitled to any relief as claimed by

them. The reference is accordingly answered in favour of the management and against the workmen.

13. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAJ, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.आ. 880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/237/92-आई.आर.-सी-II]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O. 880.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22012/237/92/IR-C(H)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT,
JABALPUR (MADHYA PRADESH)
(PRESIDED BY SHRI K. M. RAJ)

CASE No. CGIT/LC/R/84/93

Shri B. C. Sinha Roy through SKMS

.. Workman

Vs.

Dy. General Manager,
SECL, Gevra Project.

.. Management

AWARD

(Passed on this 19th day of February, 2001)

The Government of India, Ministry of Labour, New Delhi has by order No. L-22012/237/92-IR. (C-II) dated 30-12-92, has referred the following dispute for adjudication to this Tribunal :

“Whether the management of Gevra Project of SECL, Bilaspur in not regularising Shri B. C.

Sinha Roy S/o. J. K. Sinha Roy as Fitter Gr. III in the scale 27,44.43.54 w.e.f. 9-10-66 i.e. after completion of one year training is justified. I not, to what relief the concerned workman is entitled to?”

2. Parties to the dispute entered into written settlement praying for award in terms thereof. In view of the settlement, it is hereby ordered of that Shri B. C. Sinha Roy shall be regularised in Group D w.e.f. 10-10-86 after completing the period of training and thereafter he shall be promoted in Group C w.e.f. 21-6-91 and thereafter he shall get his promotion in Group B w.e.f. 1-10-94. After being promoted in terms of settlement the workman shall be entitled to get the difference of salary after due consideration w.e.f. 1-1-90. The matter has been finally settled between the parties and, therefore no further dispute shall be raised regarding present dispute in question.

3. Copy of the above award be sent to the Govt of India, Ministry of Labour, New Delhi for publication according to law.

K. M. RAJ, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.आ. 881.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/258/89/आई.आर.-सी-(II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O. 881.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22012/258/89/IR-C-(II)]

N. P. KESAVAN Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT,

JABALPUR (M.P.)

(PRESIDED BY SHRI K. M. RAJ)

CASE NO. CGIT/LC/R/52/90

The Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh,
Block No. 15, Qr. No. G-64,
Post Korba Colliery,
(For Satpal Singh, Dumper Operator)
Union/Workman

Vs.

Sub Area Manager,
SECL, Kusmunda Project,
..Management
Distt. Korba

AWARD

(Passed on this 19th day of February, 2001)

The Govt. of India, Ministry of Labour, New Delhi by Order No. L-22012(258)/89-IR (Coal-II) dated 8th Feb., 90 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kusmunda Colliery of M/s. SECL, Bilaspur in not promoting Shri Satpal Singh, Dumper Operator as Senior Dumper Operator Cat. A w.e.f. 26-11-86 when his juniors S/Shri Nand Lal and Mohd. Washim have been promoted is justified? If not, to what relief the workman concerned is entitled?"

2. The workman did not appear in the Court of the date of hearing. The Union also did not represent through any of his office bearers. It appears that they are not interested in pursuing the dispute.

3. From the statement of claim of the workman and the management it appears that the workman has been given promotion with effect from 16.5.87 the day he was eligible for the same.

4. From the above mentioned facts of the case it is absolutely clear that the workman had been given promotion from the day he was entitled. In view of this fact, no dispute regarding the promotion of workman exists. He is not entitled to promotion w.e.f. 26-11-86 as claimed by him.

5. On the reasons stated above, the reference is answered in favour of the management and against the workman.

6. Copy of the award be sent to the Govt. of India, Ministry of Labour, New Delhi for publication according to law.

K. M. RAI, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.ग्रा. 882.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/धर्म न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/303/94/आई. ग्रा. -(सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O. 882.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22012/303/94/IR-(CII)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT,
JABALPUR (M.P.)

(PRESIDED BY SHRI K. M. RAI)

CASE NO. CGIT/LC/R/207/95

U. K. Dutta Workman

Vs.

SECL, Korba Management

AWARD

(Passed on this 20th day of February, 2001)

The Govt. of India, Ministry of Labour, New Delhi by Order No. L 22012/303/94-IR (C-II) dated 7-12-95 has referred the following dispute for adjudication to this Tribunal :

"Whether the demand of SKMS Union to regularise Sh. U. K. Dutta, General Mazdoor, Cat. I as MTX Auto Section, SECL, Korba is justified? If so, what relief is the workman entitled to?"

Whether the change in the duty hours ordered by the management in the office of Dy. CSO, SECL, Korba is justified? If not, what relief are the workers entitled to?"

2. The workman filed an application praying for dismissing his claim as he has been promoted by the management and the dispute in this respect has been finally settled. The application of the workman goes to show that he has received the promotion which was due to him. In this way now no dispute in this connection exists between the parties.

3. In view of the fact it is held that the workman has been properly promoted by the management. No dispute in this regard remains to be adjudicated by this Tribunal. The reference answered accordingly.

4. Copy of the award be sent to the Govt. of India, Ministry of Labour, New Delhi for publication accordingly to law.

K. M. RAI, Presiding Officer

नई दिल्ली, 9 अप्रैल, 2001

का.आ. 883.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं.एल-22012/355/97/आई.आर. (सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th April, 2001

S.O. 883.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22012/355/97/IR (C-II)]
N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, JABALPUR
(MADHYA PRADESH)

(PRESIDED BY SHRI K. M. RAI)

CASE NO. CGIT/LC/R/123/98

Shri Ramlal Lahere
S/o. Lachhiram Lahere
Ex-Pump Khalasi, Cat. III,
Balgi Project .. Workman.

Vs.

Dy. General Manager
SECL, Balgi Project, Bilaspur (MP) ..
Management.

AWARD

(Passed on this 19th day of Feb. 2001)

The Govt. of India, Ministry of Labour, New Delhi by order No. L-22012/355/97-IR (C-II) dtd. 25-5-98 has referred the following dispute for adjudication to this Tribunal.

"Whether the action of the management of SECL, Balgi Project, Distt. Bilaspur (MP) in terminating the services of Shri Ramlal Lahere S/o. Sh. Lachhiram Lahere, Ex-Pump Khalasi, w.e.f. 6-5-97 vide their Order No. SECL/SAM, BALGI/CS/18/1 dtd. 6-5-97 of the Sub Area Manager, Balgi, Distt. Bilaspur (MP) is justified. If not to what relief the workman is entitled?"

2. The parties to the dispute have entered into written settlement praying for an award in terms thereof. In view of the settlement it is ordered that the workman would be re-instated as General Mazdoor, Cat-I and posted at Baikunthpur Area on the following terms and conditions as per FORM 'H'.

(A) That his absence from duty from the date of termination till the date of reporting for duties on reinstatement at the place of posting shall be treated as NO WORK NO PAY.

(B) Before joining for duty he shall under go a medical examination.

(C) For the purpose of payment of gratuity his service shall be treated as continuity of service.

(D) The matter having been finally settled between the parties, no further dispute shall be raised regarding present dispute in question.

3. Copy of the above award be sent to Govt. of India, Ministry of Labour, New Delhi for publication according to law.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 अप्रैल, 2001

का.आ. 884.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय भाविष्य निधि आयुक्त के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट, औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[सं.एल-22012/204/99-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd April, 2001

1947? If not, to what relief the workman is entitled and from what date?"

S. O. 884.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Provident Fund Commissioner and their workman, which was received by the Central Government on 3-4-2001.

[No. L-42012/204/99-IR (DU)]
KULDIP RAI VERMA, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

प्रकरण संख्या:— सी. जी. आई. टी./8/2000

आदेश संख्या:— एल-42012/204/99/आई.आर. (बीयू)
27-1-2000

रेवतदान चारण, पुत्र श्री रामकरण दान बारैठ, उम्र 27 साल,
जाति चारण, निवासी ग्राम चारणवाला, तहसील सांगानेर,
जिला—जयपुर।

—प्रार्थी

बनाम

(1) क्षेत्रीय भविष्य निधि आयुक्त, निधि भवन, विद्युत मार्ग,
ज्योतिनगर, जयपुर।

(2) सहायक भविष्य निधि आयुक्त (प्रशासन)
कार्यालय क्षेत्रीय भविष्य निधि आयुक्त, निधि भवन,
विद्युत मार्ग, ज्योतिनगर, जयपुर।

—अप्रार्थी

उपस्थित:—

प्रार्थी की ओर से श्री सीताराम शर्मा
अप्रार्थी की ओर से श्री विमल कुमार जैन
पंचाट दिनांक 7-2-2001

पंचाट

केन्द्रीय सरकार के द्वारा उक्त आदेश के जरिए निम्न
विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में
अधिनियम, 1947 कहा गया है) की धारा-10 की उप-
धारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत न्यायनिर्णयन
हेतु निर्देशित किया गया :—

"Whether the action of the management of Regional Provident Fund Commissioner, Jaipur is terminating the services of Sh. Revatdhan Charan S/o Sh. Ramkaran Dhan Bareth Class-IV employee (waterman) on 3-3-1993 was justified though his name was sponsored by Employment Exchange for regular selection on the post of class IV employee and his services were terminated in violation of S. 25 F, S 25G and S. 25H of the ID Act,

प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि अप्रार्थीगण के अधीन चतुर्थ श्रेणी कर्मचारी (वाटरमैन) का स्थाई पद रिक्त होने के कारण अप्रार्थी द्वारा नियोजन कार्यालय से नाम मंगवाये गए, जिसमें प्रार्थी का नाम भी भेजा गया व अप्रार्थीगण द्वारा नियमानुसार प्रार्थी को चतुर्थ श्रेणी कर्मचारी के पद पर कार्य करने हेतु दिनांक 23-4-1991 को जयपुर क्षेत्रीय कार्यालय में नियुक्ति दी गई। उसने दिनांक 30-3-1993 तक उक्त पद पर निरन्तर कार्य किया। उससे विभिन्न नाम के लोगों के रूप में भी काम करवाया गया व दिनांक 31-3-1993 से उसे कार्य पर न लेकर सेवा से पृथक कर दिया गया। उसने अप्रार्थी संख्या-1 को कार्य पर लिए जाने बाबत निवेदन किया, परन्तु उसे कार्य पर नहीं लिया गया, जिस पर उसने सहायक श्रम आयुक्त के समक्ष अपनी सेवामुक्ति के बाबत विवाद उठाया परन्तु समझौता न होने के कारण असफल बर्ता प्रतिवेदन प्रस्तुत किया गया, जिस पर बिना इस अधिकरण को प्रेषित किया गया। प्रार्थी की सेवामुक्ति अधिनियम, 1947 की धारा 25-एफ की पालना किए बिना की गई। सेवा पृथक करने के समय कोई वरिष्ठता सूची भी जारी नहीं की गई। उसकी सेवा समाप्ति के समय उससे कनिष्ठ चतुर्थ श्रेणी कर्मचारी रूपराल डांगी कार्यरत था, जिसे स्थाई कर दिया गया। उसकी सेवा समाप्ति के पश्चात् अप्रार्थीगण के द्वारा नाथूराम, सीताराम, चेतनप्रकाश व रामचन्द्र मोणा को चतुर्थ श्रेणी कर्मचारी के पद पर नई नियुक्तियां दी गईं, जबकि उसे कार्य पर लिए जाने का अवसर नहीं दिया गया व इस प्रकार अप्रार्थीगण के द्वारा अधिनियम, 1947 की धारा 25-एफ, जी एवं एच का उल्लंघन किया गया। प्रार्थना की गई कि सेवा समाप्ति के आदेश दिनांक 31-3-1993 को निरस्त किया जाए व उसकी सेवा निरन्तर मानी जाकर सेवा में बहाल किया जाए व पिछला समस्त वेतन विलाया जाए।

अप्रार्थीगण की ओर से जवाब प्रस्तुत किया गया, जिसमें आपत्ति की गई कि विपक्षी संस्थान "उद्योग" की परिभाषा में नहीं आता व विपक्षी संस्थान पर अधिनियम, 1947 के प्रावधान लागू नहीं होते व विपक्षी संस्थान में "वाटरमैन" का स्थाई पद रिक्त होने के कथन को अस्वीकार किया गया व उल्लेख किया गया कि गर्मी के मौसम के लिए अल्प समय के लिए कूलरों में पानी भरने के लिए व पानी के मटके भरने के लिए दैनिक बतनभोगी श्रमिकों की नियोजन कार्यालय से मांग की गई थी। कूलरों में पानी भरने व पानी के मटके भरने के लिए प्रार्थी को कार्य पर रखा गया था। प्रार्थी को चतुर्थ श्रेणी कर्मचारी के पद पर कोई नियुक्ति नहीं दी गई। प्रार्थी के कथन को उसने दिनांक 30-3-93 तक कार्य किया को गलत बताया। प्रार्थी के इस कथन को भी गलत बताया गया कि उससे विभिन्न नाम के लोगों से काम करवाया गया हो। प्रार्थी के द्वारा अप्रैल, 1991 से 1 जनवरी, 1992 के बीच कुल 189 दिन कार्य किये जाने

का उल्लेख किया गया। यह भी उल्लेख किया गया कि प्रार्थी ने जब कार्य ही 1 जनवरी 1992 तक किया तो उसका दिनांक 31/3/93 से कार्य से मना करने अथवा सेवा से पृथक् करने का प्रश्न उत्पन्न नहीं होता। यह भी उल्लेख किया गया कि प्रार्थी ने किसी भी वर्ष में 240 दिन कार्य नहीं किया। यह भी उल्लेख किया गया कि प्रार्थी अप्रार्थी की सेवा का सदस्य ही नहीं था तो प्रार्थी से कनिष्ठ होने व वरिष्ठता सूची जारी करने का प्रश्न उत्पन्न नहीं होता व अधिनियम, 1947 की धारा 25-एफ, जी एवं एच का उल्लंघन करने से इंकार किया गया।

उक्त अधिकार्यों के आधार पर निम्नांकित विवाद बिन्दु बनाए गए :

- (1) आया प्रार्थी से सेवा समाप्ति की तारीख 31/3/93 के पूर्व के एक वर्ष में 240 दिन या उससे अधिक कार्य किया ?
- (2) आया विपक्षी संस्थान "उद्योग" की परिभाषा में नहीं आता ?
- (3) आया विपक्षी संस्थान में प्रार्थी को दैनिक वेतन के आधार पर कुछ समय के लिए (मौसमी) काम पर रखा गया था, यदि हां तो इसका प्रभाव ?
- (4) आया प्रार्थी ने अप्रैल, 91 से जनवरी, 92 तक ही विपक्षी संस्थान में कार्य किया, यदि हां तो जहां तक इसका प्रभाव ?
- (5) आया विपक्षी संस्थान के द्वारा प्रार्थी की सेवा समाप्ति औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ, जी, एच के प्रावधानों का उल्लंघन कर की गई व प्रार्थी की सेवा समाप्ति के समय कोई वरिष्ठता सूची जारी नहीं की गई ?
- (6) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

साक्ष्य में प्रार्थी की ओर से स्वयं का शपथपत्र प्रस्तुत किया गया, जिस पर अप्रार्थीगण के अधिवक्ता को प्रतिपरीक्षा करने का अवसर दिया गया। प्रार्थी की ओर से प्रतिलिपि असफल वार्ता प्रतिवेदन प्रदर्श डब्ल्यू -1, प्रतिलिपि अनुभव प्रमाणपत्र प्रदर्श डब्ल्यू-2 व प्रतिलिपि यूनियन के चन्ने की रसीद प्रदर्श डब्ल्यू-3 प्रस्तुत किए गए। अप्रार्थीगण की ओर से आर.जी. मीणा, सहायक भविष्य निधि आयुक्त (प्रशासन) का शपथपत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। विपक्षीगण की ओर से प्रतिलिपि प्रोफार्मा रिक्तियों के बाबत प्रदर्श डी-1, प्रतिलिपि पत्र जिला रोजगार अधिकारी प्रदर्श डी-2 व प्रतिलिपि भुगतान वाउचर प्रदर्श डी-3, प्रतिलिपि कार्यालय आवेदन बाबत रिकार्ड रखने हेतु व प्रतिलिपि वाउचर प्रस्तुत किए गए। आर.जी. मीणा के द्वारा शपथपत्र प्रस्तुत किया गया कि उपस्थिति रजिस्टर केवल 2 वर्ष तक रखने का प्रावधान है। प्रस्तुत प्रकरण में चाहे गए रजिस्टर को 6-1/2 वर्ष से

अधिक का समय व्यतीत हो चुका है व भरसक प्रयास करने के बाद भी उपलब्ध नहीं हो पाया है।

बहस सुनी गई एवं पतावली का अवलोकन किया गया बनाए गए विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है :—

बिन्दु संख्या :—1, 3, 4 प्रार्थी का कथन है कि अप्रार्थीगण के अधीन चतुर्थ श्रेणी कर्मचारी का स्थाई रिक्त पद होने के कारण नियोजन कार्यालय से नाम मंगवाये गये थे, जिस पर उसका नाम भेजा गया था व दिनांक 23/4/91 को चतुर्थ श्रेणी कर्मचारी के पद पर उसे क्षेत्रीय कार्यालय, जयपुर में नियुक्ति दी गई थी। उसने दिनांक 30/3/93 तक निरन्तर उक्त पद पर कार्य किया। अप्रैल, 91 से मार्च, 92 तक उसके नाम से भुगतान किया गया व अप्रैल, 92 से मार्च, 93 तक क्रमशः राजेश महेश, कमल, कालू आदि के नाम से भुगतान किया गया। उसने क्षेत्रीय आयुक्त को शिकायत की तो उसे कहा गया कि उक्त नामों से यदि वह वेतन नहीं लेगा उसे सेवा से अलग कर दिया जाएगा। उसने कहा कि सन 1991 में 210 दिन सन् 1992 में 325 दिन व सन 1993 में उसके द्वारा 80 दिन कार्य किया गया। दिनांक 20/10/92 को प्रमाणपत्र प्रदर्श डब्ल्यू-2 जारी किया गया था। उसने इस मुद्दाव को गलत बताया कि जसवारी, 1992 तक ही उसने कार्य किया हो। उसने कहा कि दूसरे मामलों से काम करने के बावत उसने लिखित में प्रार्थना-पत्र दिया था परन्तु उसकी प्रतिलिपि नहीं रखना कहा है। प्रमाण-पत्र प्रदर्श डब्ल्यू-2 में "वाटरमैन" का कार्य करने बाबत गलत उल्लेख किया गया है, जबकि उसने अन्य कार्य किया था। अनुभव प्रमाण-पत्र जिसमें प्रार्थी के द्वारा दिनांक 23/4/1991 से 29/7/1991 तक दैनिक वेतन के आधार पर "वाटरमैन" का कार्य किए जाने का उल्लेख है, स्वयं के नाम से जारी किया जाना बताया है। उसने कहा कि जब उसने प्रमाण-पत्र आगामी अधि का चाहा तो उसे नहीं दिया। उसने कहा कि रोजगार कार्यालय से जो नाम मांगे गए थे उसके आधार पर 4 व्यक्तियों को नियुक्त किया गया था। उसने कहा कि उसे जानकारी नहीं है कि विपक्षी संस्थान में "वाटरमैन" का कोई स्थाई पद नहीं है। उसने अप्रार्थी के द्वारा नियुक्ति पत्र दिया जाना बताया परन्तु वह खो जाना बताया।

दूसरी ओर अप्रार्थीगण के साक्षी आर.जी.मीणा का कथन है कि मौसमी आवश्यक कार्य के लिए जैसे कूलरों में व मटकों में पानी भरने के लिए सन 1991-92 में कुछ दैनिक वेतन-भोगी श्रमिकों की आवश्यकता थी, जिस कारण रोजगार कार्यालय से वाटर बॉय के लिए जो कि 4 contingent paid employee के लिए थे, हम बाबत 50 व्यक्तियों की सूची मांगी गई थी, जिस पर सूची प्रदर्श डी-2 प्राप्त हुई। प्रार्थी को वाटर बॉय के रूप में दिनांक 23/4/91 को रखा

गया व उसने जनवरी, 92 तक 189 दिन कार्य किया। उसने प्रार्थी के कथन को कि उससे विभिन्न नामों से काम करवाया गया को, गलत बताया व इस संदर्भ में कोई भी शिकायत विपक्षी के रिकार्ड में उपलब्ध न होना बताया। उसने भुगतान के बाबत बिल वाउचर प्रदर्श 3-3 प्रस्तुत किए जाने का उल्लेख किया है। उसने स्वीकार किया है कि प्रार्थी ने उसके अधीन कार्य नहीं किया था। उसने यह भी स्वीकार किया है कि उसने हाजिरी रजिस्टर नहीं देखा।

प्रार्थी का यह कथन कि विपक्षी संस्थान में “वाटरमैन” का स्थाई रिक्त पद था, जिसके लिये नाम मांगे गए थे, विश्वास किए जाने योग्य नहीं है, जबकि अनुरोध-पत्र जो कि रोजगार कार्यालय को भेजा गया था, में उल्लेख है कि वाटर बाय के Contingent Paid employee के पद रिक्त है। इस हेतु दैनिक मजदूरी के आधार पर उक्त पर्वों पर नियुक्ति की जानी है। प्रार्थी का यह कथन कि उसे नियुक्ति पत्र दिया गया, पर भी विश्वास किए जाने योग्य नहीं है, जबकि आर. जी. मीणा ने प्रार्थी को मौखिक नियुक्ति किया जाना बताया है। प्रार्थी का यह कथन कि उसने विपक्षी संस्थान में दिनांक 23/4/91 से 30/3/93 तक लगातार कार्य किया भी विश्वास किए जाने योग्य नहीं है। प्रार्थी स्वयं ने स्वीकार किया है कि उसने मार्च, 92 तक तो स्वयं के नाम से कार्य किया व अप्रैल, 92 से मार्च, 93 तक राजेश, महेश, कमल, कालू के नाम से कार्य किया। उसने दूसरे नामों से कार्य किए जाने बाबत प्रार्थना-पत्र प्रस्तुत करना बताया है। यदि ऐसा होता तो प्रार्थी उस प्रार्थना पत्र की प्रतिलिपि अपने पास रखता अतः उसका यह कथन विश्वास किए जाने योग्य नहीं है कि दूसरे नामों से कार्य किए जाने बाबत उसने अप्रार्थीगण को प्रार्थना पत्र दिया। उसका विपक्षी संस्थान में दिनांक 30/3/93 तक निरन्तर कार्य किया जाना इस कारण भी विश्वास किए जाने योग्य नहीं है कि अक्टूबर, 91 में दैनिक वेंतनभोगी कर्मचारी के रूप में ओमप्रकाश व मनोज कुमार का कार्य किए जाने के बाबत उल्लेख है। प्रार्थी के नाम का उल्लेख नहीं है, जब कि नवम्बर, 91 के भुगतान वाउचर में प्रार्थी के द्वारा 19 दिन कार्य किए जाने का उल्लेख है। इस प्रकार यह स्पष्ट है कि प्रार्थी ने अक्टूबर, 91 में विपक्षी संस्थान में कार्य नहीं किया अप्रार्थीगण की ओर से कालू, कमल, राजेश व महेश कुमार के वाउचर प्रस्तुत किए गए, जिस बाबत भी प्रार्थी ने ऐसा कथन नहीं किया कि भुगतान प्राप्ति के हस्ताक्षर उक्त नाम से उसने किए हैं। अप्रार्थीगण की ओर से अप्रैल, जून, जुलाई 91 जिसके भुगतान वाउचर प्रस्तुत नहीं किए गए हैं, में क्रमशः 6, 22, 16 दिन कार्य किए जाने का उल्लेख किया गया। भुगतान वाउचर उक्त अवधि के प्रस्तुत न किए जाने से विपक्षी के विरुद्ध यह निष्कर्ष निकाला जा सकता है कि अप्रैल माह में उसने अधिक से अधिक 8 दिन व जून, जुलाई में 30, 31 दिन कार्य किया। भुगतान वाउचर के अनुसार प्रार्थी ने अगस्त, 91 में 30 दिन, सितम्बर, 91 में 26 दिन, अक्टूबर, 91 में बिल्कुल नहीं, नवम्बर, 91 में 21 दिन, दिसम्बर, 91 में 21 दिन व जनवरी, 92 में 28 दिन कार्य किया। विपक्षी की ओर से फरवरी और मार्च, 92 के वाउचर भी

प्रस्तुत नहीं किए गए व ऐसी दशा में प्रार्थी कथन पर भरोसा किया जा सकता है कि फरवरी व मार्च, 1992 में भी उसने कार्य किया। प्रार्थी का यह कथन कि उसने अप्रैल, 92 से 30/3/93 तक कार्य किया उक्त कारणों के आधार पर विश्वास किए जाने योग्य नहीं है; अप्रार्थीगण का यह कथन कि मौसमी कार्य के लिए कुछ समय के लिए प्रार्थी को नियोजित किया गया था, विश्वास किए जाने योग्य नहीं है क्योंकि प्रार्थी से कार्य गर्मी, वर्षा व शीत सभी ऋतु के मौसम में लिया गया। इस प्रकार उक्त विवादायकों का विनिश्चय इस प्रकार किया जाता है कि प्रार्थी को मौसमी कार्य पर रखा जाना प्रमाणित नहीं है व उसके द्वारा दिनांक 23/4/91 से मार्च 1992 तक उक्त अवधि में कार्य किया जाना प्रमाणित है यह प्रमाणित नहीं है कि प्रार्थी ने दिनांक 31/3/93 के पूर्व के एक वर्ष में 240 दिन या उससे अधिक दिन कार्य किया।

विन्दु संख्या :—2 विपक्षी के विद्वान अधिवक्ता ने इस विन्दु पर जोर नहीं दिया है। वैसे भी माननीय राजस्थान उच्च न्यायालय ने आर.एल.आर. 1992 (1) पृष्ठ 40 हेमराज गूर्जर बनाम स्टेट आफ राजस्थान के मामले में सविध्य निधि विभाग को “उद्योग” की परिभाषा के अन्तर्गत माना है। अतः इस विवादायक का विनिश्चय अप्रार्थीगण के विरुद्ध किया जाता है।

विन्दु संख्या :—5 प्रार्थी के द्वारा मार्च, 1992 तक ही विपक्षी संस्थान में कार्य किया जाना प्रमाणित पाया गया है व ऐसी दशा में दिनांक 31/3-93 को प्रार्थी की सेवा समाप्ति विपक्षी के द्वारा किये जाने का प्रश्न उत्पन्न नहीं होता। जब प्रार्थी की सेवा दिनांक 31/3/93 को समाप्त हो नहीं गई तो इस विन्दु पर विचार करने की आवश्यकता नहीं रहती कि प्रार्थी की सेवा समाप्ति उचित है अथवा अन्वित प्रार्थी की सेवा समाप्ति मार्च, 1992 में हुई वैसे भी दिनांक 31/3/93 के पूर्व के एक वर्ष में प्रार्थी के द्वारा 240 दिन कार्य किया जाना प्रमाणित नहीं है, अतः अधिनियम, 1947 की धारा 25-एफ का उल्लंघन किए जाने का प्रश्न उत्पन्न नहीं होता। यह विवादित नहीं है कि प्रार्थी से कनिष्ठ रूपलाल डांगी विपक्षी संस्थान में कार्यरत है जैसा कि आर. जी. मीणा ने स्वीकार किया है। यह भी विवादित नहीं है कि प्रार्थी की सेवा समाप्ति के समय कोई बरिष्ठता सूची नहीं बनाई गई। प्रार्थी के इस कथन को भी इंकार नहीं किया गया कि, उसकी सेवा समाप्ति के पश्चात् नाथू राम, सीताराम, रामचन्द्र चेतनप्रकाश, देवकीनंदन, ओमप्रकाश, मदनसिंह वीरेन्द्र सिंह को नियोजन में रखा गया व प्रार्थी को पुनः नियोजन को मौका नहीं दिया गया, परन्तु जैसा उल्लेख किया जा चुका है कि प्रार्थी की सेवा समाप्ति दिनांक 31/3/93 को किया जाना प्रमाणित नहीं है। ऐसी दशा में अधिनियम, 1947 की धारा 25-एफ, जी एच व औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 77 का उल्लंघन अप्रार्थीगण के द्वारा किया जाना प्रमाणित नहीं होता व प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पंचाट को प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

ह./-

पीठासीन अधिकारी

नई दिल्ली, 4 अप्रैल, 2001

का.आ. 885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमाण्डर वर्क्स इंजीनियर, एम. ई. एस. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण उदयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-4-2001 को प्राप्त हुआ था।

[सं. एल-14012/120/91-आई आर. (जी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th April, 2001

S. O. 885.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Udaipur as shown in the Annexure in the Industrial Dispute between the employers in the relation to the management of Commander Works Engineer, MES and their workman, which was received by the Central Government on 4-4-2001.

[No. L-14012/120/91-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

न्यायालय : न्यायाधीश केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, उदयपुर

पीठासीन अधिकारी : श्री आदमल सोतला, आर एच जे एस

औद्योगिक विवाद प्रकरण संख्या 1/93

सचिव, एम ई एस एम्पलाईज यूनियन, उदयपुर — प्राथी

बनाम

कमाण्डर वर्क्स इंजीनियर,

मिलीट्री इंजिनियरिंग सर्विस, जं.धपुर

—विपक्षी

उपस्थित :—

श्री पी एल श्रीमाली : प्राथी की ओर से

श्री आर एल वैष्णव : विपक्षी की ओर से

: निर्णय : : दिनांक 27-2-2001

117 GI/2001—7.

औद्योगिक विवाद अधिनियम के अन्तर्गत श्रम मंत्रालय भारत सरकार की विज्ञप्ति संख्या एल-14012/120/91-आई आर डी डब्ल्यू वि. 28-12-92 से श्रमिक कर्मचारी तथा उसके नियोजक के मध्य उत्पन्न निम्नांकित औद्योगिक विवाद इस न्यायालय को अधिनिर्णय हेतु प्रेषित किया गया तथा दिनांक 4-1-93 को नियमित औद्योगिक वाद सं. 1/93 पंजीबद्ध हुआ।

"Whether the action of Commandor Works Engineer, Military Engineering Service Joudhpur in not promoting Shri Naval Singh P.H.D. to the post of MT Driver is justified and legal? If not, to what relief the workman is entitled to?"

कर्मचारी की ओर से श्रम संगठन ने आवेदन मांग पत्र में बताया कि श्रमिक नवल सिंह यूनियन का सदस्य है तथा विपक्षी संस्थान में पी एच ओ के पद पर नियुक्त कर्मचारी है जिसे वर्ष 82 से ही एम टी ड्राइवर ग्रेड II के पद का कार्य लिया जा रहा है तथा एम टी ड्राइवर II के पद पर पदोन्नति हेतु आवश्यक योग्यता भी रखता है। बताया गया समय-समय पर श्रमिक तथा संगठन ने विपक्षी संस्थान को प्रार्थी को एम टी ड्राइवर II के पद पर पदोन्नति करने के लिए निवेदन किया जिसके लिए आश्वासन भी दिया जाता रहा तथा इस पद के लिए आयोजित परीक्षा में भी प्रार्थी संबंधित अधिकारियों से अनापत्ति प्रमाण पत्र लेकर सम्मिलित हुआ परन्तु फिर भी प्रार्थी को पदोन्नति नहीं दी गई तथा अभी तक पी एच ओ के पद पर नियुक्ति बता कर वास्तव में ड्राइवर का कार्य लिया जा रहा है। बताया गया प्रार्थी के पास 75 से ही लाइट, मिडियम हेवी मोटर वाहन चलाने का अनुज्ञा पत्र है जिसकी प्रति भी प्रार्थी ने समय समय मांगे जाने पर विपक्षी अधिकारी को प्रस्तुत की है परन्तु फिर भी प्रार्थी को बिना किसी कारण के पदोन्नत नहीं किया जा रहा है तथा बिना पदोन्नति के ड्राइवर का कार्य लिया जाना विधि के विपरीत होकर अनफेयर लेबर प्रैक्टिस है। यह भी अंकित किया गया कि कर्मचारी संगठन का सक्रिय सदस्य होने के कारण उसे पदोन्नत नहीं किया गया। निवेदन किया गया कि नवल सिंह को 82 से एम टी ड्राइवर ग्रेड II के पद पर पदोन्नत किया जाये व पदोन्नति मानी जाकर वे सभी लाभ प्रदान किया जाये जोकि 82 में पदोन्नत होकर प्राप्त करता।

विपक्षी ने अपने उत्तर में बताया कि प्रार्थी विपक्षी संस्थान में पी एच ओ पम्प हाउसिंग ओपरेटर के पद पर नियुक्त था तथा उससे 82 से ड्राइवर का कार्य नहीं लिया जा रहा है। उत्तर में यह भी बताया गया कि ड्राइवर एम टी ग्रेड II पद के लिए नियमों के अनुसार टेस्ट की तीन वर्ष की लगातार सेवा का अनुभव तथा साथ में सभी किस्म के वाहन चलाने का अनुज्ञा पत्र होना चाहिए एवं एम टी ड्राइवर ग्रेड II का ट्रेड टेस्ट पास करना आवश्यक है। बताया गया उपरोक्त स्थिति होने पर ही पदोन्नति की जा सकती है।

प्रार्थी की ओर से साक्ष्य में स्वयं प्रार्थी नवल सिंह का पथ पत्र प्रस्तुत किया गया जिसमें आवेदन के अनुसार बताया गया तथा उसके अनुसार पदोन्नति हेतु तमाम योग्यता रखता

है एवं तमाम वाहन चलाने का कार्य भी करता है। विपक्षी की ओर से आर सी रस्तोगी का गणप पत्र प्रस्तुत किया गया जिसमें उद्देश्य के अनुसार बताया। इन माक्षीगण से प्रतिपरीक्षण भी हुआ।

प्रार्थी ने उनको परीक्षा में सम्मिलित होने के लिए दिए गए अन्तर्गत प्रमाण पत्र, वाहन चलाने का अनुज्ञापत्र, एम्प-लौयमेंट एक्सचेंज में रजिस्ट्रेशन मिलिट्री ड्राईवर की लाईसेंस की प्रतिलिपि प्रस्तुत की है जो प्रदर्शन 1 से 4 है तथा प्रार्थी ने संस्थापन में उसे वाहन चलाने के लिए दिए गए आदेश तथा टेस्ट में उपस्थित होने के लिये दिये गये पत्रों की प्रतिलिपि भी प्रस्तुत की है जो प्रदर्शन 5 से 8 है। विपक्षी ने सन्म्वर 87 में चालक के पद के लिए हुई परीक्षा का परिणाम भी प्रस्तुत किया है तथा व्यक्तियों के नामों में प्रार्थी नहीं हैं।

उभय पक्ष के प्रतिनिधिगण के तर्क सुने गए। पत्रावली का अवलोकन किया गया। इस प्रकरण में सर्वप्रथम यह देखा जाता है कि क्या प्रार्थी से चालक का कार्य लिया जा रहा है। प्रार्थी के अनुसार वह 82 से चालक का कार्य कर रहा है तथा उससे एम टी ड्राईवर ग्रेड II का कार्य लिया जा रहा है। प्रतिपरीक्षा में बताया कि वर्तमान में एम्प ड्राईवर का कार्य कर रहा है तथा मिलिट्री ड्राईवर लाईसेंस प्रदर्शन ए 4 9 माह के लिये दिया जा दि. 31-12-90 को समाप्त हो गया। इसके बाद उसने रिन्यूअल नहीं कराया। जून 94 में प्रतिपरीक्षण में प्रार्थी ने यह भी बताया कि अब एम्प ड्राईवर व ड्राईवर की ग्रेड एक ही है पहले भिन्न थी। प्रार्थी ने उससे वाहन चलाने का दिया गया आदेश की प्रतिलिपि प्रदर्शन ए 7 प्रस्तुत की है जिसके लिए प्रार्थी ने स्वीकार किया है कि यह लघु दूरी के लिए था। विपक्षी गदाह आर सी रस्तोगी के अनुसार प्रार्थी नवल सिंह से गद्दी चलाने का थोड़ा बहुत काम लिया जाता था तथा शर्मा व भावसार उनके यहाँ अधिकारी थे उनकी अधिधि में वाहन चलाने का कार्य प्रार्थी ने किया होगा परन्तु अब प्रार्थी वाहन नहीं चलाता है।

उपरोक्त स्थिति के यह प्रतीत होता है कि प्रार्थी से नियमित वाहन नहीं चलाया जाता था तथा वह यदि वाहन चलाता था, कभी भी आकस्मिक कार्य व आकस्मिक तौर से चलाता था। विपक्षी संस्थान में सबिनि नियमित कार्यों के लिए कभी भी प्रार्थी द्वारा वाहन चलाना जाना प्रमाणित नहीं होता। यहां पर यह उल्लेख कर देना उचित है कि यदि कोई आवश्यकता होने में प्रार्थी द्वारा वाहन चलाना, जल्दा यह चलाना जाता था तो इनका यह अर्थ नहीं हो सकता कि उसे वह कार्य करने का या उस कार्य के पद का होने का अधिकार उत्पन्न हो जाता। ऐसा होने के लिए निम्नलिखित क जिम्मेदारी में यह कार्य करना जाना व किया जाना व पद की उपलब्धता होना भी आवश्यक हो सकता है।

प्रार्थी ने स्वीकार किया है कि वह एम्प ड्राईवर है। विपक्षी के अनुसार प्रार्थी पी एच ओ है। प्रार्थी ने एम टी

ग्रेड II चालक के पद पर पदोन्नति की मांग की है। अब इस पर विचार करना है कि प्रार्थी जिस पद पर है उस पद से चालक के पद पर पदोन्नति हो सकती है तथा यदि हो सकती है तो किस स्थिति में किस प्रक्रिया से व किन शर्तों के अधीन। दिनांक 15-11-80 को रक्षा मंत्रालय की विज्ञप्ति की प्रतिलिपि प्रस्तुत की गई है जो कि दि. 29-11-80 के गजट ऑफ इण्डिया में प्रकाशित हुई है जिसके अनुसार सैनिक इंजिनियरी सेवा औद्योगिक वर्ग भर्ती नियम 1971 में संशोधित कर निम्न प्रकार से प्रविष्टि की गई "एम टी चालक, श्रेणी 2" के पद से संबंधित मद स. 27 के सामने स्तम्भ 5, 7, 9, 10 और 11 में क्रमशः निम्नलिखित प्रविष्टियां प्रतिस्थापित की जायेगी अर्थात्:—

(क) स्तम्भ 5 में "30 वर्ष (सरकारी सेवकों के लिए इस बाबत समझ-समझ पर जारी अनुदेशों या आदेशों के अनुसरण में शिथिल करके 35 वर्ष तक की जा सकती है)"

(ख) स्तम्भ 7 में : "नहीं"

(ग) स्तम्भ 9 में : "प्रोन्नति द्वारा, जिसके न हो सकने पर स्थानान्तरण द्वारा, दोनों के न हो सकने पर सीधी भर्ती द्वारा"

(घ) स्तम्भ 10 में : "प्रोन्नति: ऐसे भेट जिन्होंने उच्च श्रेणी में तीन वर्ष निरन्तर सेवा की है जिसके पास लघु सरकार की सभी प्रकार के यानों के लिए विधिमन्त्र चालक अनुज्ञप्ति है तथा जिन्होंने प्रमुख इंजिनियर द्वारा विहित एम टी चालक श्रेणी 2 का व्यवसायिक परीक्षण उत्तीर्ण कर लिया हो।"

स्थानान्तरण : "ऐसे व्यक्ति जो रक्षा सेवाओं की निम्नतर विरचनाओं में समरूप, समतुल्य या उच्चतर श्रेणियों में कार्य कर रहे हैं।"

(ङ) स्तम्भ 11 में : "समूह 'न' विभागीय प्रोन्नति समिति जिसमें निम्नलिखित होंगे :

(क) मुख्य इंजिनियर या सैप्टेन्ट कर्नल की पंक्ति का उसका नामनिर्देशित-अध्यक्ष

(ख) मेजर या कार्यपालक इंजिनियर—सदस्य

(ग) केप्टन या समतुल्य सिविलियन समूह "क" अधिकारी जो विभाग से संबंध न हो—सदस्य

उपरोक्त से स्पष्ट है कि पदोन्नति से एम टी चालक बनाए जाने के लिए विभागीय पदोन्नति समिति के द्वारा आयोजित व्यवसायिक परीक्षा उत्तीर्ण किया जाना आवश्यक है तथा पदोन्नति के लिए अधिकतम आयु 35 वर्ष हो सकती है। पदोन्नति के लिए यह आवश्यक है कि तमाम प्रकार के वाहन चलाने का अनुज्ञापत्र हो।

इस तरह आयोजित की जाने वाली परीक्षा पास कर पदोन्नति के लिए मुख्य शर्त है प्रार्थी का नाम दि. 9-4-90 टेस्ट के अन्तिम सूची में नहीं है। दिनांक 12-5-97 को

हुए इन्टरव्यू के परिणाम की प्रतिलिपि प्रस्तुत की गई जिसके अनुसार एम. टी. ड्राईवर ग्रेड II के लिए चार को चयनित किया गया जिसमें प्रार्थी का नाम नहीं है। प्रार्थी के नाम के आगे यह भी उल्लिखित है कि उसकी आयु अधिकतम सीमा 40 वर्ष से ज्यादा है तथा उसका वर्तमान पद का वेतनमान भी समाप्त है। न्यायालय की राय में उल्लिखित कारण पूरी तरह से संतुष्ट व उचित है। जब अधिकतम आयु सीमा प्रार्थी पाए कर चुका है तो उसकी पथो-न्वति करने का प्रयत्न नहीं उठना। उसके अतिरिक्त विभागीय परीक्षा उत्तीर्ण करना आवश्यक है। अतः प्रार्थी इस पदोन्नति का अधिकार के रूप में अधिकारी नहीं है। यहां पर यह उल्लेख कर देना भी उचित है कि प्रार्थी जिस प्रश्न हाउस के पद पर कार्य कर रहा है तथा उस पद का वेतन कई वर्षों से वास्तविक के पद से कम नहीं है।

अतः प्रार्थी को कोई अनुतोष देय नहीं होगा। तदनुसार यह विवाद अधिनिर्णीत होता है।

आदेश

श्रम विभाग भारत सरकार की विधि-संस्था एन-14012/120/91 आई आर की डब्ल्यू दि. 28-12-92 से प्रेषित विवाद इस तरह अधिनिर्णीत होता है कि "कमाण्डर जोधपुर द्वारा उनके कर्मचारी नवल सिंह पी. एन. ओ. को एम टी ड्राइवर के पद पर पदोन्नत नहीं किया जाता अनुचित व अवैधानिक नहीं है। नवल सिंह को कोई अनुतोष देय नहीं होता।" प्रकाशनाथ श्रम मंत्रालय, भारत सरकार को भेजा जाय।

निर्णय व आदेश आज दिनांक 27-2-2001 को हस्ताक्षरित कर सुनाया गया।

सी. एस. तोतला, न्यायाधीश

नई दिल्ली, 4 अप्रैल, 2001

का.प्र. 886.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, दूरसंचार के प्रबंधन के संघ नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-4-2001 को प्राप्त हुआ था।

[सं.पल-40012/69/98-आई.आर.(डी.यू.)]

कुल्दीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th April, 2001

S. O. 886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relations to the management of General Manager,

Telecom and their workman, which was received by the Central Government on 4-4-2001.

[No. L-40012/69/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

Before Sri R. P. Pandey Presiding Officer
Central Government Industrial Tribunal
cum Labour Court, Sarvodaya, Nagar Kanpur.
Industrial Dispute No. 28 of 1999

In the matter of dispute between
Sri Sughar Singh
46/98/O Bheem Nagar Jagdish Pura
Agra.

AND

The General Manager
Telecom
AGTD Agra

Award

1. Central Government, Ministry of Labour New Delhi, vide its notification No. L-40012/69/98/IR (DU) dated 16-2-99 has referred the following dispute for adjudication to this tribunal :—

Whether the action of the General Manager Telecom, Agra in terminating the services of Sri Sughar Singh is legal and justified? If not to what relief the workman is entitled?

2. In the present case, the concerned workman is not putting his appearance since the filing of the claim statement. The claim statement of the concerned workman was received on 15-3-99 and the copy of same was given to the management. The management filed its written statement on 5-5-99. Thereafter the case was fixed for filing of rejoinder by the workman but neither the workman appeared nor rejoinder statement was filed in the case. The case is pending since 18-5-99. Having regard to the conduct of the concerned workman and the circumstances of the case, I am of the opinion, that the case cannot be allowed to linger on any more specially when the concerned workman seems to be not interested in the case, and did not advance any evidence on the date of incident.

3. In view of above considerations, it is held that the concerned workman is not entitled for any relief for want of proof.

4. Accordingly it is held that the concerned workman is not entitled to any relief for want of proof pursuant to the reference made to this tribunal.

5. Reference is answered accordingly.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 4 अप्रैल, 2001

का.दा. 887.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सोल एण्ड वॉटर कन्सर्वेशन रिसर्च एण्ड ट्रेनिंग इंस्टीट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-4-2001 को प्राप्त हुआ था।

[सं. एल-42011/18/96-आई.आर. (जी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th April, 2001

S. O. 887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Central Soil & Water Conservation Research & Training Institute and their workman, which was received by the Central Government on 4-4-2001.

[No. L-42011/18/96-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL CUM LABOUR COURT
SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 137 of 1997

In the matter of dispute between :

Secretary

Bhumi avam Jal Sanrakshan Sramik Union
Soakuri, Dehradun

And

Director Central Soil & Conservation
Research and Training Institute, 218
Kaulagarh Road, Dehradun.

Award

1. Central Government Ministry of Labour, vide its notification no. L-42011/18/96/IR (DU) dated 13-8-97, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Central Soil & Water Conservation Research and Training Institute Dehradun in not giving the temporary status at par with other co-workers, to S/Sri Bhawani Prasad, Ram Prasad, Kanhiya

Lal, Hardwari Lal and Govind all labour is just and fair and Legal ? If not, to what relief they are entitled and from what date ?

2. The statement of claim has been filed by the Secretary Bhumi avam Jal Sanrakshan Shramik Union on behalf of the workmen with allegations that the management of the aforesaid Institute of Dehradun has granted temporary status to S/Sri Bhawani Prasad, Ram Prasad, Kanhiya Lal and Hardwari Lal w.e.f. 1-9-93 vide order dated 10-9-96 but the same benefit have not been granted to Sri Govind whose case was similar to the other workmen. It has been alleged that when temporary status was not granted to the aforesaid five workmen the dispute was raised before ALC(C) and finally the case has been referred to this tribunal for adjudication. When the matter was pending before the competent authority the management granted temporary status to the four persons vide order dated 10-9-96. As Sri Govind had died on 22-12-95 when the matter was under consideration with the Government of India, he was not given the same benefit of temporary status w.e.f. 1-9-93 which was granted to other workmen. It has been alleged that the action of the management in not granting temporary status to Shri Govind w.e.f. 1-9-93 is illegal. It has been prayed that a direction may be issued to the management to grant the temporary status to Late Sri Govind w.e.f. 1-9-93 to 21-12-95 and to grant all consequential benefits to his widow.

3. The management has filed written statement with the contentions that this tribunal has no jurisdiction to decide this dispute because Central Soil & Conservation Research & Training Institute is not an Industry and Govind did not come within the definition of workman. It has also been alleged that ICAR has not given consent for granting temporary status to Sri Govind and as soon as the Instruction are received from ICAR the case of Govind shall be considered. It has also been stated that he did not fulfil the requisite qualifications for getting temporary status.

4. Rajjoinder has been filed on behalf of the workmen with contention that all the five workmen mentioned in the reference order worked for more than 260 days during the year 1993 and thereafter they worked continuously and that when the benefit of temporary status was granted to 4 of them and same benefit could not be granted to Govind as he died on 22-12-95 before the orders of temporary status were passed on 10-9-96. It has been

alleged that the management has wrongly refused to grant temporary status to Govind which he was entitled to get from 1-9-93 till the date of death.

5. On behalf of workmen Sansar Singh has been examined as W.W. 1 and 6 document Ext. W-1 to W-6 have been filed. Management examined Sri D. D. Dhawani M.W. 1 and filed 2 documents Ext. M-1 and M-2 in support of its case.

6. I have heard the authorised representatives for both the sides and have gone through the record of the case. The contention of the management that this tribunal has no jurisdiction to decide the dispute regarding concerned workmen including Govind appears to be without any substance. It is admitted case of parties that 35 workmen of the same institute including concerned workmen were retrenched by the management against which these workmen had filed I.D. No. 60 of 87 before this tribunal. That case was decided in favour of the workmen and their retrenchment was held to be illegal and they were directed to be reinstated in service. Writ filed by the management against that award was also dismissed by the hon'ble High Court and all the workmen were reinstated in service. Management granted temporary status to 30 workmen out of 35 who were retrenched from service and were later on reinstated in service whose case has been referred to this tribunal for grant of temporary status. Now it does not lie in the mouth of the management to say that this tribunal has no jurisdiction to decide the industrial dispute in respect of the same workmen who were reinstated in service with back wages.

7. It was clearly pleaded on behalf of the workmen in the rejoinder that all of them as had completed 260 days during the relevant year of 1993 and continuously worked thereafter. It is also pleaded that Govind also worked with other workmen till 22-12-95 when he died while working under the employment of the aforesaid institute. It appears that temporary status have been granted to all four workmen mentioned in the reference order except Govind who has died before the orders for granting temporary status were passed. From the allegations made in para 18 of the written statement it appears that the matter of Govind is still pending for decision before ICAR and there is nothing on record to show that Govind did not fulfil those terms and conditions which were required for granting temporary status.

8. Sansar Singh W.W. 1 clearly stated on oath that the concerned workman had worked for more than 300 days in every year before the date of his death under the management. His testimony on this point goes uncontroverted. D.D. Dhawani M.W. 1 admitted that all the workmen mentioned in the reference order except Govind were granted temporary status w.e.f. 1-9-93. He admitted that Govind was continuously working under the management till the date of death. He did not state in his examination in chief that Govind had not worked for more than 240 days in the year 1993, hence he was not granted temporary status. His mere denial of the suggestion made on behalf of the workman that Govind had worked for more than 240 days during the year 1993 is of no consequence. I am therefore, inclined to believe the case pleaded on behalf of the workmen that all the workmen including Govind had worked for more than 240 days in the year 1993 and even thereafter and that why not them were granted temporary status w.e.f. 1-9-93. It appears that ground was not granted the same benefit because before the orders granting temporary status were passed on 10-9-96 Govind had died. I think his death could not be impediment in granting temporary status to Govind from 1-9-93 the date from which the same benefits were granted to the other colleagues of this workman mentioned in the reference order. This action of the management in not granting temporary status to Govind w.e.f. 1-9-93 appears to be discriminatory and violative of articles 14 and 16 of the Constitution of India. I, therefore, hold that the action of the management not granting temporary status to Sri Govind from 1-9-93 is illegal and Late Sri Govind was entitled to get temporary status w.e.f. 1-9-93 like other workmen.

9. In view of findings recorded above the management is directed to grant temporary status to late Sri Govind w.e.f. 1-9-93 and to grant other consequential benefits to his legal heirs within a period of three months from the date of publication of this award in the Official Gazette.

10. Reference is answered accordingly.

R.P. PANDEY, Presiding Officer

नई दिल्ली, 4 अप्रैल, 2001

का.आ. 888:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी ग्रामोद्योग कमीशन के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक

गिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 4-4-2001 को प्राप्त हुआ था।

[सं. एल-42012/135/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th April, 2001

S.O. 888.—In pursuance of Section 17 of the Industrial Dispute, Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Khadi Gramodyog Commission and their workman, which was received by the Central Government on 4-4-2001.

[No. L-42012/135/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI R.P. PANDEY, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR.

INDUSTRIAL DISPUTE NO. 190 of 1998

In the matter of dispute between :—

Ravi Shankar Shukla
S/o Tarak Nath Shukla
R/o Village and Post Jay Nagar
Rae Bareilly

AND

1. The Chairman
Khadi Avam Gramodyog Commission
3 Irli Road, Vileyparle (West)
Mumbai-400056

2. Dy. Director
Khadi Gramodyog Bhawan
8 Cantt. Road,
Lucknow.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-42012/135/98/IR(DU) dated 30-11-98, has referred the following dispute for adjudication to this tribunal

Whether the action of the management of Khadi Gramodyog Commission in terminating the services of Shri Ravi Shankar Shukla is legal and justified? If not to what relief the workman is entitled to?

2. Workman has filed statement of claim with the allegations that he had requisite qualifications for the post of Accounts clerk. He gave an application for the post of Accounts clerk with photocopies of his educational qualifications to the Deputy Director Khadi Gramodyog Bhawan Trade Centre, 8 Cantt. Lucknow, in the month of September, 1995. The Deputy Director mentioned above called the concerned workman for interview in the last week of September, 1995 and thereafter appointed him as Accounts Clerk from October 1995 as daily rated employee and he was paid wages after completion of the month and he was marking his signatures in the attendance register. The Trade Centre or the shop of the management was opened in the year 1994, and post of Accounts clerk was lying vacant since He continuously worked from October 1995 to 30-6-97 and was paid wages accordingly though there was no break in service but Deputy Director gave artificial breaks although the workman continued to work from the date of appointment till the date of termination. His services were abruptly terminated w.e.f. 1-7-97 without giving notice, notice pay or retrenchment compensation. As he was a workman as defined under the Act, he was entitled to get protection of the provisions of section 25F of the Industrial Disputes Act. As his services were terminated without making compliance of the mandatory provisions of section 25F his retrenchment from service w.e.f. 1-9-97 was illegal being passed in violation of section 25F of the Act. He further stated that some other persons were engaged after his disengagement and they were allowed to continue in the service and their services were regularised later on. On the basis of these allegations the workman has prayed that the termination of his services dated 1-7-97 may be declared illegal and unjustified and the management be directed to reinstate him in service with full back wages and other consequential benefits.

3. The auth. Representative for the management appeared and he filed a preliminary objection that 4 persons have been wrongly impleaded as a party to this case, hence their names may be struck off from the claim statement. After hearing both the sides a detailed order was passed whereby the names of Director (Marketing) Khadi and Gramodyog Commission, Mumbai and Director, Khadi Gramodyog Commission, State of Uttar Pradesh, Lakhraj Market, Indira Nagar, Lucknow, were deleted and the

case continued against the Chairman, Khadi and Gramodyog Commission, Munibai, and Deputy Director, Khadi Gramodyog Bhawan, 8 Cantt, Lucknow.

4. Fresh notices were sent to the Chairman and Dy. Director but no written statement was filed by them in this case. Hence the case proceeded ex parte against them.

5. The workman has filed affidavit in support of his case and has also filed a number of documents in support of his case.

6. I have heard the authorised representative for the workman and have gone through the record of the case.

7. It has been contended on behalf of the workman that he was workman as defined under the provisions of the Act and was entitled to get protection of the provisions of the Act. It has been clearly pleaded by the workman that he was Accounts clerk and worked under the management of the opposite party. Accounts clerk come within the definition of workman as defined under section 2(s) of the Act.

8. It was clearly pleaded by the workman in his statement of claim that he worked for more than 240 days before 1-7-97 i.e. preceding one year from the date of retrenchment of his services. This fact is supported by the uncontroverted affidavit of the workman. As statement made on oath in the affidavit of the workman goes uncontroverted, I am inclined to believe the case of the workman as pleaded in the statement of claim that he had completed for more than 240 days in one calendar year preceding the date of his retrenchment and he was entitled to get protection of the provisions of section 25F of the Industrial Disputes Act.

9. The workman has clearly stated that no notice, notice pay or retrenchment compensation was paid to him as required under section 25F of the Act. The case of the concerned workman on this point goes uncontroverted, I am therefore, inclined to believe the case of the workman on this point also.

10. I, therefore, hold that the termination of service of the concerned workman is in breach of the provisions of section 25F of the Industrial Disputes Act, 1947 and is illegal and the concerned workman is entitled to be reinstated in the services of the management with full back wages and other consequential benefits.

11. In view of findings recorded above, I hold that the termination of the concerned workman w.e.f. 1-7-97 is illegal and the same is hereby quashed. The opposite parties are directed to reinstate the concerned workman in the services of the management with full back wages and to grant him all consequential benefits within a period of three months from the date of publication of this award in the official gazette. The concerned workman shall also get Rs. 500 as costs of this litigation from the management.

12. Reference is answered accordingly.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 28 मार्च, 2001

का.आ.889.—श्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-ग की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत सरकार के श्रम मंत्रालय की दिनांक 16-10-2000 की अधिसूचना का.आ. 2363 द्वारा उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय, हैदराबाद को ऐसे श्रम न्यायालय के रूप में निर्दिष्ट करती है जो उस धनराशि का निर्धारण करेगा जिस पर आन्ध्र प्रदेश राज्य और यनम के किसी उद्योग, जिसके संबंध में केन्द्रीय सरकार समुचित सरकार है, में नियोजित कामगारों के संबंध में उक्त उप धारा में वर्णित किसी लाभ को धन के रूप में गणना की जायेगी।

[का० सं०-जई-13011/1/97-सी एल एस-II]

श्रीमती कृष्णा शर्मा, प्रवर सचिव

New Delhi, the 28th March, 2001

S.O. 889.—In exercise of the powers conferred by sub-section (2) of Section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies the Labour Court, Hyderabad constituted under Section 7 of the said Act by the notification of the Government of India in the Ministry of Labour S.O. 2363 dt. 16-10-2000 as the Labour Court which shall determine the amount at which any benefit referred to in that sub-section would be computed in terms of money in relation to workman employed in any industry in the States of Andhra Pradesh and Yanam in respect of which the Central Government is the appropriate Government.

[File. No. Z-13011/1/97-CLS-II]

SMt. KRISHNA SHARMA, U

नई दिल्ली, 29 मार्च, 2001

New Delhi, the 29th March, 2001

का.प्र. 890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7(क) की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार द्वितीय अनुसूची में विनिर्दिष्ट किसी भी मामले में संबंधित औद्योगिक विवादों के आ्यमिर्णयन और उक्त अधिनियम के अन्तर्गत लपे जाने वाले अन्य कार्य को करने के लिए औद्योगिक अधिकरण गठित करती है जिसका मुख्यालय हैदराबाद में होगा और श्री ई. इस्माइल को 20 अक्टूबर, 2000 (अपराह्न) में उक्त अधि-करण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा. सं. जेड-13011/1/97—सी एल एस-II]
श्रीमती कृष्णा शर्मा, अवर सचिव

S.O. 890.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 7(A) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Headquarters at Hyderabad for the adjudication of Industrial Disputes relating to any matter specified in the Second Schedule and for performing such other functions as may be assigned to it under the said Act, and appoints Shri E. Ismail as Presiding Officer of the Tribunal with effect from 20th October, 2000 (A.N.).

[F. No. Z-13011/1/97-CLS-II]
SMT. KRISHNA SHARMA, Under Secy.